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FIRST ANNUAL REPORT
OF THE
SUPERINTENDENT
OF
PUBLIC INSTRUCTION
OF THE
STATE OF TEXAS,
1871.



AUSTIN:
J. G. TRACY, STATE PRINTER.
1872.

REPORT.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
STATE OF TEXAS,
AUSTIN, December 20, 1872.

To His Excellency E. J. DAVIS,
Governor of the State of Texas:

SIR: In compliance with the requirements of "An act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871, I have the honor to herewith submit my report of public schools for the fiscal year ending August 31, 1871, and also supplementary report to December 10, 1871.

Very respectfully, your obedient servant,
J. C. DE GRESS,
Superintendent of Public Instruction.

Early thirty-six years have elapsed since Texas achieved her independence and assumed for herself a republican form of government, and this, with twenty-five years as a State of the Union, has brought to her an infinite amount of legislation; much of it devoted to preparing systems of education of which none have ever proved efficient and practical for the purposes of public instruction, for which so noble a dowry was left by the earlier legislators of the Republic and State.

The vast area over which such a system was to extend, the sparse population of over one-half the districts, an immense frontier subject to invasions of hostile Indians, all have had their effect in acting as drawbacks upon the practical realization of the hopes of the founders of the Republic, while the isolation of the State from the body and centre of the Union, away from the arteries of busy traffic and

trade, left the growth of all our institutions of progress slow, and accompanied by much legislation that has been merely experimental.

I have deemed it my duty, in entering upon the business of my office, to give careful study to all laws passed, while Texas was a Republic or since she has been a State, that have a bearing upon educational matters; and under an appropriate head, in another part of this report, have given a brief review of them and their purposes.

Assuming the responsibilities of my position immediately after confirmation by the Senate of my appointment, May 5, 1871, I found myself, without aught, but a bare office and the educational laws approved April 24, 1871, as the groundwork of a system that required care, caution and patience in bringing it to a successful working.

No records of educational work of the past existed. No approximate estimate even, could be made of the number of children to be provided for. Prejudice of the most unfounded character existed in many large communities against public schools, and many unscrupulous and irresponsible parties sought to add to the opposition by misrepresentation, rather than lighten the labors that in the outset appeared formidable indeed. The immense work to be done in the organization of schools, examination of teachers, leasing of school houses, etc., suggested the necessity of the most stringent economy.

RULES AND REGULATIONS

Profiting by the experience of other States, a set of rules and regulations (see Exhibit B) for school government and management was carefully prepared, submitted to the Board of Education, and by them approved and adopted; and thus far, with but few alterations, have admirably answered the purposes of organization and government.

SUPERVISORS APPOINTED.

By and with the approval of the Governor, supervisors of judicial districts were appointed, (see Exhibit A.) who entered upon their duties with zeal and alacrity and proved invaluable in advancing the educational interests of their respective districts. Many of their districts were large and the means of transportation expensive and fatiguing, but, undaunted by any obstacles, they rapidly passed over the counties assigned to them and performed their duties, with but very few exceptions, in the most satisfactory manner.

PREPARATIONS.

Copies of rules and regulations, circulars of instructions, copies of the school law, teachers' blanks for schools and for monthly and quarterly reports, record books for the use of school supervisors, school directors and treasurers of county school boards, were all prepared and distributed at an early day, in order that the machinery of the system might be in perfect working order at the commencement of the first scholastic term. The most approved and desirable forms were adopted—those that recommended themselves for comprehensiveness, utility and at the same time simplicity—and it is believed they will eminently answer the purposes for which they are selected.

SCHOLASTIC CENSUS.

The work assigned to tax assessors—that of taking the scholastic census—proceeded slowly, and much annoyance was experienced at the delay in these returns and the careless and unsatisfactory way in which many of the said returns were made. This was mainly due to the meagreness of compensation allowed justices for taking the census, together with the carelessness with which many officers received the urgent requests from this office for dispatch, care and accuracy in preparing such returns. The returns made up to and inclusive of August 31, 1871, will be found in statement marked C.

TEACHERS.

The law under which the school system is to be organized prescribes in precise terms how a teacher's qualifications shall be judged, as also does the Constitution under which the law was prepared. Serious apprehensions were felt in the outset that the supply of *competent* teachers would fall short of the demand, and the experience of a few months proved that these apprehensions were not unfounded. The experience of all States has demonstrated the fact that poor teachers speedily bring reproach upon any system of public instruction, and loses to the people much of the interest they would otherwise feel in educational matters. This is one of the principal reasons why the figures of teachers' salaries were placed so high in the outset, and I believe the liberal provisions made for teachers has procured for the schools, with but few exceptions, a corps of instructors capable, efficient and of good character and habits.

EXAMINATION OF TEACHERS.

Looking only to the strict observance of the law, preparations were at once made for the examination of applicants for teachers' positions. The small allotment of the appropriation for school purposes made for the purposes of examination, rendered it impossible to appoint for each county boards of examiners as provided in the school law of 1870; so, after careful consideration, it was decided by the State Board of Education to appoint traveling boards of examiners, whose powers should extend to several judicial districts. The effects of this arrangement have been most happy, as the results up to and inclusive of August 31, 1871, show. One thousand seven hundred and forty-five teachers have been examined, and issuance of certificates recommended, and seven hundred and forty-four applicants examined and rejected for want of proper acquirements. At prominent points in the State stationary boards of examiners were appointed. One at Austin composed of three competent persons; one at Houston of the same number; one at Jefferson, and one at Waco, of two persons of competency. Great care was taken in selecting all examiners; competency, ability, experience, sobriety and morality being the requisites for entertaining their names for appointment. To facilitate matters, supervisors were empowered to examine applicants for second and third class teachers' certificates, and their services in this respect, as in others, have proved valuable and satisfactory.

COMPULSORY FEATURES OF OUR LAW.

The compulsory feature of our law, pre-ordained by the provisions of the Constitution, though not new to the United States, creates much comment and gives rise to many honest differences of opinion. As a feature of this law requires that all children of scholastic age shall attend the public school four months in the year, or else produce evidence of attending a private school controlled by a teacher possessing a proper certificate of competency, instructions were given to examine all such private school teachers as should make application for examination. A majority of the private school teachers in the different districts availed themselves of this opportunity, and no discrimination has been made in issuing them certificates entitling them to teach.

SUBDIVISION OF COUNTIES.

Supervisors were authorized under section second of the "Act to organize and maintain a system of public free schools for the

State of Texas," to lay off and subdivide the counties of their judicial districts into school districts, and further empowered to appoint five school directors for each school district; the authority in these respects subject to the control and revision of the State Superintendent. The urgent necessity felt for opening schools at an early day, the confusion into which a subdivision of the counties would have thrown matters, the difficulty of selecting several sets of *efficient* directors for each county, and the increase of expenses in furnishing additional records, blanks, commissions, etc., without any material advantages to the system, led me to believe it better to have but *one* set of school directors for each county. The necessity of at once entering upon the collection of the school tax was another inducement to influence the above decision; the subdivision of assessment and tax rolls, incurring additional expense, delay and trouble, and all to no practical advantage in putting the educational system into active operation.

SCHOOL DIRECTORS.

The names of the persons constituting the board of directors for each county were forwarded by the supervisors to the office of the Superintendent and the appointments duly approved. In the outset these directors were chosen from men living convenient to the county seat; but, as will be seen in section one, circular of instructions of August 21, 1871, this arrangement was afterwards changed so as to allow full representation to each precinct.

SCHOOL TAX.

In the matter of levying the school tax prescribed by the law, directors were very remiss and tardy. Much difficulty and misunderstanding seemed to prevail. This was one of the unexpected obstacles in the way of putting the system into harmonious working order, but by careful study and some few changes in the boards where stubborn opposition to the law was evinced, the matter has at last been set right and the tax levied in nearly all the counties, as will be seen by the supplemental report.

GRADATION OF SCHOOLS.

Gradation of schools and teachers' pay was the next difficulty to be surmounted. By reference to circular of August 21, 1871, marked as "exhibit D," it will be seen that this delicate matter has been adjusted so that every part of the broad State can share and

share alike in the benefits of the public free schools. Special provision was made in this circular for settlements on the frontier, and others where the population was small in numbers and widely scattered. The minimum number for which a teacher could draw third class pay was placed at twenty in such settlements, and is a provision far more liberal than that of any other State of the Union. While liberal, it is nothing more than just, and I am in hopes it will be productive of most beneficial results. Great care was taken in all other grades of schools to suit the wants of our great State, and a few months' experience will prove the correctness of the gradations established.

SCHOOL HOUSE AND BUILDINGS.

While nearly every other State of the Union has its public school houses and colleges that have been built from time to time and are State or Corporation property, Texas had, when this system was inaugurated, not more than one or two, and those few of small capacity for the number of children that should have attended them. The first essential of a school system is a well adapted class of buildings for use of classes and teachers, and as there were none, owned by the State, it was decided to lease buildings until such time as the State or counties were able to provide for building them. Boards of Directors were authorized to lease school houses, the leases to be made to me as party of the second part, for the scholastic year ending June 30, 1872. Here, almost insurmountable difficulties presented themselves. Many owners were indisposed to rent their buildings and have the partitions, etc., removed, while others were averse to turning their buildings over to the Department for so short a period, for, as they considered, school children to mutilate and deface. Others, from prejudice alone to the new school system, refused to entertain propositions to lease their buildings, and the total showing of leases for the period ending August 31, 1871, numbers but forty, and five of those were disapproved.

TEXT BOOKS.

In a majority of the States of the Union a uniform system of text books has been adopted; the educational directors in those States wisely deeming uniformity in this respect promotive of the best results, since a removal of scholars from one precinct to another, causing a change of schools, they were thus familiar with the books of either school. Teachers, too, becoming thoroughly familiarized with these books, evince a wider range of capacity and practical understanding of the texts, and, in adopting a uniform system, the books

can be obtained for the people of the State at cheaper rates than where the matter of selection is left to the discretion of separate counties rendering liable the adoption of promiscuous works. Many series of school books were presented to the notice of the Board of Education for selection and adoption, and after a careful review of all presented, in compliance with section 3 of our school act, selection was made, as per Exhibit E. The arrangements made with the publishers for furnishing these books to designated depositaries are very favorable, and such arrangements have been made as will secure an ample supply of these books to the State at proper distributive points.

SCHOLASTIC TERMS.

The scholastic year has been divided into three terms. The first to commence on the 1st day of September 1871, and to close the 1st day of December of the same year. The second term to commence on the 11th day of December, and close on the 19th day of March, 1872, with a vacation from December 23, 1871, to January 2, 1872, both days inclusive. Third term to commence on the 1st day of April, 1872, and to close on the 28th day of June, 1872. This division gives teachers full opportunities to complete their quarterly reports and make them full and satisfactory, and in other ways possesses advantages both for teachers and scholars,

EXPENDITURES.

The amount of the appropriation for school purposes expended up to and inclusive of August 31, amounts in the aggregate to \$15,194 59.

CLERICAL FORCE.

The organization of schools and preparations for making the system of public instruction effective, have necessitated the employment of considerable clerical force. The correspondence of this office is very large, and requires a perfectness of detail and an accuracy and dispatch such as could not be attained with a smaller number of employe's.

BOARD OF EDUCATION.

To the Board of Education of the State every matter of importance, connected with the management of the system, has been submitted by me before promulgation of instructions, and the work of

building the foundation of our educational system proceeds with the greatest care and circumspection; every block hewn, either from the experience of other States or suggested by our own immediate wants, has been carefully fitted and the keystone to bind all together has been an earnestness of purpose to bring our State out from the shadows of the past, with its records of illiteracy, prejudice, ignorance, and but too often crime and lawlessness. Ignorance is the parent of crime, and education the higher law by which the impulses are swayed for good alone, and man becomes the true citizen, true patriot and maker and upholder of laws that redound to the public weal. The Board has held and holds its special meetings frequently, and all subjects before it are at once acted upon, unless they be of a nature that requires the collection of statistical information, or are of that importance that requires extraordinary deliberation.

INTRODUCTION OF LANGUAGES IN SCHOOLS.

The large proportion of citizens of German and Spanish birth and descent in our State, and the large proportion of emigrants of foreign birth that are constantly being added to our population, rendered the introduction of rule 7, rules governing public schools, necessary. Under its provisions teachers are permitted to teach the German, French and Spanish languages in the public schools of this State, provided the time so occupied shall not exceed two hours each day. This clause has met with much favor throughout the State, as it brings children of scholastic age of foreign birth or descent into the public schools, where otherwise they would be subject to the additional burthens of expense in supporting private schools, where attention would be paid to making them familiar with English and German or Spanish and English.

NIGHT SCHOOLS.

Privilege has been extended to teachers of public schools to open night schools and use the school houses of their respective districts for that purpose. This authority has been given with a desire to bring the uneducated, who are employed during the day, to schools at night, and thus place education and mental improvement within their reach. This will also enable schools to be opened at night for instruction in the routine of mercantile and business matters. A commercial course of instruction can thus be afforded to young men in communities where day duties prevent their attendance upon public schools. This privilege is accompanied by a proviso, that

attendance upon such night schools does not exempt children of scholastic age from attending public day schools, the required four months in the year.

SCHOOL LANDS.

Under the legislation of the Republic, of the year 1839, three leagues of the public domain were set apart for each county for school purposes, and in the following year a further donation was made to each county of an additional league, which the school commissioners of the respective counties were authorized to locate and survey, or have located and surveyed, and at their discretion sell, the proceeds to be applied, one-half for the support and benefit of an academic school in the county, and the other half of the proceeds to be distributed equally among the various primary schools. The clause providing for sale was by subsequent legislation, restricted to lease for a specific period, which very opportunely checked a current of speculation in these school lands, then setting in, and which threatened to soon reduce to a mere wreck the valuable amount of lands which had been devoted to the advancement of educational interests. The Constitutional Convention of 1845 engrafted in one of the provisions of the Constitution a similar restrictive clause, declaring that all lands theretofore granted to counties for school purposes should not be alienated in fee or disposed of, otherwise than by lease, for a time not to exceed twenty years. At the same time the benefits of the original granting law were extended to all other counties to be organized thereafter. The number of acres of land claimed by counties under this act aggregated, June 11, 1868, as per report of Commissioner of Land Office, two millions seven hundred and sixty-three thousand and seventy-two (2,763,072) acres. Something over one-half of this amount has been surveyed and patented. The Constitutional Convention of 1866 set aside the alternate sections of land reserved from surveys made by railroad companies, so that the land endowment of schools aggregated nearly five millions (5,000,000) of acres. February 11, 1858, an act was passed adding to the principal of the educational fund the proceeds of *all* sales of public lands. This act was repealed by the Legislature of 1862, to enable them to apply the moneys received from sales to war purposes; the report of the Comptroller, made in 1868, shows that there was thus diverted from the school fund the amount of two hundred and thirty-six thousand five hundred and seventy-nine dollars and forty cents. (\$236,579 40.) Most of this amount (all but \$216 36) was paid

into the Treasury in State war warrants or Confederate notes, and it is a question whether titles to land thus acquired are valid.

The law under which the present system is put into operation declares "that as a basis for the endowment and establishment of public free schools, all lands heretofore set apart and appropriated, or that may hereafter be set apart and appropriated for the support and maintenance of public schools, and all sums of money that may arise from the sale of any portion of the public domain of the State, shall constitute a portion of the public school fund." The report to this date from the Land Office shows the unclaimed public domain to be ninety-one millions nine hundred and twenty thousand four hundred and twenty (91,920,420) acres, and the sales of portions of it in the future will bring a handsome sum to the school fund.

NATIONAL PROTECTION.

While in the past the school fund has been subject to frauds, robbery and application to unlawful purposes; its stability imperiled by overt acts of pretended authority and government, a higher law, that which shields this fund with national care, has been enacted by Congress, and only through the national government itself can its permanency hereafter be affected. March 30, 1870, an act of Congress was approved by the President of the United States, from which I make the following extract :

"An Act to Admit the State of Texas to Representation in the Congress of the United States.

~ * ~ * ~ * ~ *

"That the Constitution of Texas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the school rights and privileges secured by the Constitution of said State."

Fraudulent State legislation or corruption cannot reach the heritage that is the endowment of the school fund. Year by year it will increase, and while the State of Texas is of the Union it must remain a monument of pride to its citizens, saved by the interposition, care, research, and patriotism of those who have redeemed and regenerated the State from the taint of treason.

PERMANENT SCHOOL FUND.

Exhibits F and G show the condition of the permanent and available school funds on the thirty-first of August, 1871. The review

of laws passed since 1836, accompanying this report, contains all laws affecting this school fund since its creation and exhibits the vicissitudes it has experienced, the changes induced by war, debt and adversity.

This fund, that in 1861 amounted to two millions five hundred and ninety-two thousands five hundred and thirty three dollars and fourteen cents, (\$2,592,533 14,) became during the war the prey of the enemies of the national government, and every available portion of it was used by them, in violation of all law, for furthering their treasonable purposes. One million two hundred and eighty-five thousand, three hundred and twenty-seven dollars and five cents (\$1,285,327 05) of available funds were, from time to time, during the existence of the rebellion, withdrawn from the school fund and expended, most of it under the direction of the military board. Part of this fund accrued from sales of school lands, the balance was cash in the Treasury, accrued interest and negotiable bonds and coupons. The amount (\$320,367 13) given in statement H, as part of the permanent school fund, is the interest and principal paid in by railroad companies during and at the close of the rebellion in State warrants that had been issued during the war, or at its close, and represented so much money that had been applied to unlawful purposes by the rebellious State government. The pretended payments have never been recognized, rightly considering that these roads are liable for the above amount and expecting them to meet their obligations which were executed in good faith, and through which they have derived immense advantages. The item of \$82,168 82 in five per cent. bonds payable January 1, 1879, is an amount placed there in conformity with section one of an act approved November 12, 1866, to replace a portion of the \$634,000, five per cent indemnity bonds, formerly belonging to the school fund and abstracted by the military board during the war. Of the \$1,753,317 railroad bonds reported in the permanent school fund there is to be deducted \$295,800, bonds of the Houston Tap and Brazoria Railroad Company, which road has been sold, under the provisions of the act approved August 13, 1870, for the sum of \$130,000, and the above amount of bonds, therefore, became virtually null. This \$130,000 has been placed in the hands of an agent for investment in United States bonds, and the amount should be added to the school fund as a part of its permanent investment. There is, in addition to the bonds for which railroad companies are responsible, the arrears of interest to May 1, 1870, aggregating \$568,626, of which no showing is made in reports received from the Comptroller's office. This amount the railroad companies are fully responsible for, and it may be considered fully as safe as their bonds.

UNITED STATES INDEMNITY BONDS.

During the rebellion the sum of \$634,000 in these bonds with attached interest coupons, amounting to \$132,700, were placed in the hands of the Military Board and by them disposed of in encouraging the introduction of machinery, powder, lead, arms, medicines, clothing, etc.; of these bonds and coupons over one-half still remains unpaid at the Treasury of the United States, and in course of time the State will, probably, recover one hundred and fifty or two hundred thousand dollars. From all the data obtainable I find that these bonds and coupons, amounting to \$766,700, were distributed as follows :

Sold by Governor Murrah and proceeds added to war fund, .	\$49,750
Oliver & Bro.,.....	27,500
John M. Swisher & Co.,.....	357,175
E. B. Nichols,.....	12,500.
White & Chiles,.....	156,275
W. L. Sloan,..	28,125
N. B. Pearce,.....	4,550
Turned over to Provisional Governor A. J. Hamilton, at the	
close of the war,.....	129,975
Unaccounted for,.....	850
	\$766,700

Governor Murrah was President of the Military Board at the time he made sale of the \$49,750 in bonds and coupons, and for his personal services in making said sale, charged and pocketed \$1133 50. The balance of the proceeds went to the purchase of war material, etc., in aid of the rebellion. Oliver & Bro., as agents appointed by the Military Board, sold a portion of the bonds and coupons turned over to them, and furnished supplies to the Military Board, for which, as security, they retained \$23,000 of these bonds and coupons.

John M. Swisher & Co. transmitted all or nearly all of the bonds with which they were intrusted to England, and from data to hand I find that one hundred and fifty-one of those bonds are in the hands of Droege & Co., Manchester, England, and the proceeds of one hundred and forty-nine others, amounting to nearly \$75,000 with interest for nine years, in the hands of Messrs. Peabody & Co., of London. Suits are pending by which all, or nearly all of these sums will be saved to the school fund. Of the \$129,975 in bonds and coupons turned over to Provisional Governor A. J. Hamilton, \$61,000 has lately been placed in the Treasury by transfer from

Washington, where it has been for some years; the balance of these bonds and coupons were, I believe, sold or collected, and the proceeds placed to the State revenue account for support of the provisional government. I have failed to discover the authority for this use of moneys of the school fund for general State purposes, and I think the amount should be replaced by State bonds declaring the indebtedness of the State to the school fund for the amount used. Messrs. White & Chiles, under contract made with the State Government January 12, 1865, received one hundred and thirty-five of these bonds (135,000), with coupons attached, amounting to \$21,175, the bonds and coupons aggregating \$156,275. For this sum in said bonds and coupons they were to furnish cotton cards, medicines, war material, etc., or failing therein, pay for each dollar represented on the face of said bonds and coupons eighty cents in seven or eight per cent. bonds of the State, or in treasury warrants at par. Shortly after the drawing of this contract the war closed, and immediate steps were taken to recover to the State what little was left of the school and other funds. Suit was instituted against Messrs. White & Chiles and other holders of said indemnity bonds to force them to return said bonds to the State. The case went to the Supreme Court of the United States. The State employed able counsel, and the exceptions taken by the defendants were overruled. These exceptions were: First—That there was no sufficient authority shown to prosecute the case in the name of Texas. Second—That Texas, by her rebellious courses, had so far changed her status as one of the United States as to be disqualified from suing in the Supreme Court. Third—That whether the government in Texas during the war was one *de jure* or *de facto*, it had authorized the Military Board to act for it, and the State was estopped from denying its acts. Fourth—That no endorsement of the bonds was necessary; they being negotiable paper. Fifth—That the articles which White & Chiles had agreed to give the State were destroyed *in transitu* by disbanded troops who infested Texas; and that the loss of the articles was unavoidable. From the summary of the case given and the facts shown in evidence, the contract of White & Chiles with the Military Board was a conspiracy, in the last hours of the rebel State government, to pass these bonds out of the possession of the State with a hope that the contracting parties might be personally benefitted thereby. Chief Justice Chase delivered the opinion of the court and reviewed the points submitted by the counsel of White & Chiles *et al.*, and decree was given in favor of the State. One noticeable feature of this case affecting so large an amount of school fund, will present itself to the public mind, and that is the implication of

Andrew J. Hamilton, while Provisional Governor, in this attempt to wrongfully hold possession of moneys belonging to the school fund. From evidence given before the court, it was shown that A. J. Hamilton received through J. R. Barret of New York, ten thousand seven hundred and fifty dollars in these same indemnity bonds and coupons as a *fee* to procure the settlement of *all* bonds and coupons held by said White & Chiles, not exceeding \$135,000. This transaction is clearly exhibited in the answer of John Chiles and George White made to the complaint before the Supreme Court. A. J. Hamilton was appointed Governor on the seventeenth of June, and it was *after* this appointment that the arrangement, as shown in the following extract, was made :

Extract from Transcript of Record Supreme Court of the United States; State of Texas, complainant, v. George W. White, John Chiles, et al., pages 28 and 29.

* * * * *

Respondent, Geo. W. White, further answering, says, that he is informed and believes that said Watts and Chiles, on their arrival at Havana, learned that General Lee had surrendered, and at once determined to go to New York. Arriving in New York the last of May or early in June, 1865, they soon after entered into negotiations through an agent with Andrew J. Hamilton, Provisional Governor, as aforesaid, through whom or by whose influence they desired to procure the payment of said bonds of the United States. Respondent's agents, Watts and the said Chiles, as the respondent is informed and believes, were of the opinion at that time that the indorsement of the Governor of Texas, or his recommendation, was important if not essentially necessary to procure the early payment of said bonds. In a few days negotiations were opened by said agent appointed by said Watts and Chiles. An understanding was arrived at with said Hamilton, and it was agreed that said Hamilton should receive \$20,000 in said indemnity bonds for his services in securing the payment of said bonds at the Treasury of the United States, to an amount not exceeding \$135,000. On or about the twenty-second of June, 1865, (after he was appointed Governor,) in compliance with said agreement said Watts and Chiles caused to be paid over by said agent to said Hamilton the sum of \$10,000, or about that sum, and the remainder of the \$20,000 in bonds were deposited with Crittenden & McKinley, bankers of New York, and the understanding was that the same were to be paid to the said Hamilton in the event that he caused said sum of \$135,000 in said bonds to be paid at the Treasury of the United States in a reasonable time. * * * * * After said payment

(the first \$10,000) was made to Hamilton he wrote the following letter: .

‘NEW YORK, June 25, 1865.

‘HON. J. RICHARD BARRETT:

‘DEAR SIR: In reply to your question about Texas indemnity bonds issued by the United States, I can assure you that they are perfectly good, and the government will certainly pay them to the holders.

‘A. J. HAMILTON.’

“Respondent is informed and believes that the bonds paid over to said Hamilton, in pursuance of said agreement, were numbered 4291, 4292, 4293, 4294, 4222, 4223, 4224, 4225 and 4226, amounting to \$10,000. No part of said sum of \$10,000, as afore-said, has been returned to said White & Chiles by said Hamilton or by any other person for him.” * * * * *

As the above included letter of A. J. Hamilton, written after his appointment as Governor, had great weight in embarrassing matters connected with the recovery of the school bonds, I have included it in this report.

I further give the remarks of Chief Justice Chase in deciding the case in the Supreme Court. They will be found on page 736, vol. 7, United States Supreme Court Reports. Chief Justice Chase says: “*It is true that the first Provisional Governor of Texas encouraged the expectation that these bonds would be ultimately paid to the holders, but he was not authorized to make any engagement on behalf of the State, and in fact made none. It is true also that the Treasury Department, influenced perhaps by these representations, departed to some extent from its original rule and paid bonds held by some of the defendants without the required endorsement.*”

In December, 1869, in the Supreme Court of the United States, in the case of State of Texas *versus* Hardenberg, decree was again made in favor of the State. Hardenberg was the purchaser of bonds and coupons from White & Chiles and became a party to the original suit. The entire matter of recovery of abstracted bonds and coupons is now in the hands of His Excellency Governor E. J. Davis, and hopes are entertained of saving two hundred and fifty thousand dollars or more to the permanent school fund, in the final results of all legal action.

AVAILABLE SCHOOL FUND.

The available school fund, liable to appropriation, is declared by the school act to be all interest, which has accrued or may hereafter accrue to the school funds from railroads or otherwise, since the 31st day of March, 1870 ; one-fourth of all the advalorem and occupation taxes assessed since that date; the poll tax and such other taxes as have been or may be provided by law for the support of public schools. Exhibit H, accompanying, shows the balance remaining in the treasury, August 31, 1871, to be in specie, \$62,036 62, in currency, \$74,060 19; total, \$136,096 81.

APPROPRIATION.

The twelfth Legislature, at its first session of 1871, appropriated as follows for the period ending August 31, 1871 :

For salary of superintendent public instruction,.....	\$1000
For mileage and traveling expenses of superintendent,....	300
For support of public schools, being salaries of teachers and employes, ...	50,000
For fees of scholastic census takers for the years 1867, 1868, 1869, 1870 and 1871,.....	50,000
For books, blanks, stationery, printing, school books and apparatus for public schools,.....	10,000
For expenses of advertising and sale of railroads,.....	1800
For fee of Thomas J. Durant for prosecuting suit against Geo. W. Paschal in the United States Supreme Court, at Washington, D. C., to recover school funds in his possession,.....	500
For fees due Thomas J. Durant for recovering school fund..	454

Of these amounts appropriated, exhibits, I, J, K and L, will show the amounts expended and the balance remaining undrawn at the close of the fiscal year.

OUR SCHOOL FUND COMPARED WITH THAT OF OTHER STATES.

I have endeavored in this report to bring to your consideration every matter of interest connected with the free public school organization and the condition of all school moneys, securities and lands. By comparison, I find that out of thirty-seven States, Texas ranks as the seventh in the possession of a large permanent school fund, as per table annexed :

State.	Permanent School Fund.
Indiana.....	\$8,826,665 03
Illinois.....	6,132,086 28
Ohio.....	3,912,497 00
Iowa.....	3,174,578 01
New York.....	2,915,533 04
Michigan.....	2,700,834 63
Texas.....	2,670,798 12

The proceeds of sales of the public domain and the proceeds of the bond and coupon suits will increase the amount above shown as belonging to Texas and carry her up in a few years still higher in the scale of States that are blessed with an endowment for the education of their children.

ILLITERACY IN TEXAS.

The statistics of illiteracy show this State in rather an unenviable light. Of illiterate persons ten years old and over, the census returns for Texas show of whites 70,895 ; of colored persons 150,617. Nor is this illiteracy confined specially to either sex, for the division of male and female illiterates shows that this illiteracy exists in the sexes in nearly equal proportions. The number of male illiterates reaches 110,443 and the number of females 111,064, and the aggregate is full twenty-seven per cent. of the population. Add to this the number of children between the ages of six and ten years, not included in the above figures, who have never experienced any of the advantages of even a primary education, and we have a result alarming in its proportions, and truly significant of the cause that reveals such an exhibit of crime.

CRIME.

Of the exhibit of homicides in the thirty-seven States of the Union, Texas shows more than double the number of any other State in 1870. The only States exhibiting the number of one hundred homicides or over are as follows :

Texas.....	323
Louisiana.....	128
Tennessee.....	117
Georgia.....	116
Alabama.....	100

Should not the above call from every citizen of our State a vigorous determination to apply a remedy to this alarming evil? The most potent remedy will be found in that system of education that teaches proper discipline of the mind and enables the student to understand the laws, and understanding, obey and support them.

CONCLUSION.

Earnest work in the future in building up and spreading our educational system, strict enforcement of its compulsory provisions, and encouragement from the people, will all be necessary to relieve us from the curse of lawlessness and crime, and make our educational advancement keep pace with the growth of our school endowments, and bring our State in close sympathy with the other States of the Union that are showing every indication of increased interest in the great work of educational regeneration. In the Southern States especially is there both room and necessity for advancement, and to the schools and institutes must we look for those influences that shall impress themselves upon the rising generation and prepare them to enter upon the arena of the battle of life with confidence, ability, energy and knowledge. Like the torments of the mythological Tantalus, the tempting food of culture and the cooling drink from the fountain of learning have been heretofore held to hungry minds and brains thirsting for acquisition of knowledge, only to be snatched away at the moment when the human intellect was about to be blessed, and the aspiring mind of youth has been left a prey to the vicious surroundings of ignorance. I hope *that* time has passed forever from this State. I feel confident that our present system will prove all that we have hoped for, and if those who wish our State its full meed of prosperity and internal serenity will lend their influence and strengthen our hands in the good work of moral and intellectual advancement of all classes and races of our population, the day is not far distant when our greatest pride will be in the monument of progress we will have reared within our State—that of a practical and beneficial system of *free education*.

J. C DE GRESS.

Austin, December 20, 1871.

APPENDIX.

REVIEW OF THE LAWS ENACTED DURING THE PERIOD IN WHICH TEXAS WAS A REPUBLIC AND SINCE ADMITTANCE INTO THE UNION AS A STATE.

Texas as a Republic and a State has had its full share of legislation on educational matters, and had the success of the free school system depended upon laws, resolutions, etc., there is little doubt but that years ago we would have had a practical realization of the hopes of the founders of the Republic and the well wishers of our prosperity. Scattered through a period of thirty-three years there exist laws, repeals, resolutions and ordinances deeply affecting the stability of the school fund, and of such importance in filling up the history of education in this State, that I deem it a duty to give a review of them, with such remarks as are but just, in showing their effect upon the State and its people.

Under the Republic, the first act looking to the encouragement of educational interests, was that approved January 26, 1839, whereby three leagues of land of the public domain were donated to each county for school purposes, and fifty leagues of land were, at the same time, set apart for the endowment of two colleges or universities. These lands could not be disposed of by sale for three years from the passage of the act, but could be leased for a time not exceeding three years. This, as far as statutes are concerned, was the first act looking to an encouragement of an educational system, and was, considering the sparse population and the difficulties of the situation—the State then being threatened by a public enemy—a liberal provision. The same year a charter was granted to the "Guadalupe College" and four leagues of land out of the unsurveyed public domain granted to its trustees for the endowment of the college.

The next act looking to the advancement of school interests was that of February 5, 1840, "An act in relation to common schools and academies, and to provide for securing the lands formerly appropriated for the purposes of education." Under this act a board

of commissioners was created for each county, who were empowered to sell, lease, or otherwise dispose of lands or property given for school purposes, by either persons or bodies politic, *provided*, the object of such sale, lease, etc., was for the benefit of public schools. Though this act opened up opportunities for speculation and fraud, which were of course taken advantage of, the act remained unrepealed, nor was there any further legislation on educational matters under the Republic.

The Convention that met in 1845, to frame a State Constitution, was fully alive to the importance of free education for the children of the State. In article ten, section one, the following declaration is found: "A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of *public schools*." Other sections of article ten provided ways and means for the encouragement of free education. Not less than one-tenth of the annual public revenue was to be set apart for the support of free schools: and it was further provided, that all lands theretofore granted to counties for school purposes should not be alienated in fee nor be disposed of otherwise than by lease not to exceed twenty years. Under the influence of a new and stable Constitution, and the feeling of security consequent upon Texas having become one of the States of the Union, the people at this time entered into the spirit of encouragement of all interests, among them that of educating the masses. April 2, 1846, the people of Galveston, the most important commercial and business point in the State, urged to its passage, through the Legislature, a bill allowing the authorities of that place to levy a tax of one-half per cent. on real estate, the money to be applied to free school purposes: and on May 13, the same year, the Legislature complied with the provisions of the Constitution, and in making appropriations for the support of the government for the years 1846 and 1847, appropriated one-tenth of the annual revenue for school purposes. Referring to Treasurer's report for period ending December 3, 1849, I find that, under this law, there remained in the Treasury on October 31, 1843, the sum of fifteen thousand five hundred and twenty-one dollars and eighty-six cents, the accumulation since the passage of the law of May 13, 1846, which had remained untouched, no regular school system having existence in the State at the time, and the expenditures on school matters reaching only a small figure. The Comptroller's report at the end of the next year reveals the sum of \$25,503 82 to the credit of the school fund, and this fund remaining almost untouched, while children were growing up in ignorance. December 12, 1846, the Legislature enacted, that build-

ings and grounds, designed and used for purposes of education or public worship, should be free from taxation; *provided*, said grounds did not exceed in area ten acres. School and church furniture and school and church libraries were also exempted from taxation under this act. The attention of the people of other States was at this time being turned to Texas, and the journals of those States were filled with exhaustive articles upon the resources and natural advantages of Texas, and the current of immigration in those years was wide and steady. Stimulated thus, the legislators evinced a proper and commendable spirit, and, by their acts, evinced their desire to encourage and foster public educational interests.

January 16, 1850, additional appropriations of public domain were made to counties for school purposes, under which all counties organized since the 16th of February, 1846, and such as might thereafter be organized, were entitled to have surveyed and set apart four leagues of unappropriated public lands, and the act of December 12, 1849, was on the 24th of January so amended as to exempt from taxation all lands, (not exceeding ten acres) buildings, furniture, libraries, apparatus, etc., dedicated to, owned or occupied by charitable or literary associations, schools or churches. December 2, 1850, records the first act looking to the investment of the accumulated school fund. This was to provide for the safe and profitable investment of the school fund, and assist the State at the same time. The Comptroller was authorized to issue State bonds to the amount of \$36,000 bearing five per cent. interest, and withdraw that amount of money for general purposes from the school fund, substituting therefor the bonds. February 18, 1852, this act was so far amended as to destroy the State bonds and substitute therefor Indemnity bonds of the United States, and at the same time the amount of \$17,000, in specie, was transferred to the general disbursement account and replaced with United States bonds. Expenditures for school purposes were small. Legislation was in advance of public opinion. Very little interest was felt in public schools, though the press occasionally urged that something in the way of providing schools should be done. October 31, 1853, the general school fund amounted to \$53,000 in United States five per cent. bonds, and \$29,193 33, in specie, an aggregate thus of \$82,193 33.

In the following year, January 31, 1854, was passed an act that deserves to be specially honored by mention in the reports of superintendents of education. It was the act that created an endowment for public schools, that stamped its advocates as men of enlarged and progressive views, and adds a lustre to their names that will stand the test of all time. By this act the sum of two millions of dollars of the five per cent. indemnity bonds, which remained in the treasury

of the State, were set apart as a school fund for the support and maintenance of the public schools.* This was designated a "special school fund," and the interest accruing thereon was to be apportioned and distributed for the school support. The act was supplemented by a system for public schools by which a scholastic census was to be taken and the money apportioned to school districts according to the number of scholars. The Treasurer of the State was *ex officio* the superintendent of public schools.

Glancing at the Comptroller's reports for the years 1854 and 1855, I find the following as the status of the school funds :

GENERAL FUND.

Indemnity five per cent. bonds.....	\$53,000 00
Specie from revenue, etc.....	75,668 19
Total.....	\$128,668 19

SPECIAL FUND.

Amount transferred by act of January 31, 1854..	\$2,000,000 00
Interest collected to July, 1855.....	141,666 67
Total.....	\$2,141,666 67

Deducting from this the amount expended in two years, upon public schools, \$27,136 96, we have left, the sum of \$2,114,529 71, and the total of general and special funds, \$2,243,197 90.

Even with this amount to inaugurate a system of free education, a proper spirit of the people seemed lacking, and but little was accomplished. Most of the money expended was used in aiding private schools, and ignorance prevailed and spread its shadowing influence over the State for want of an effective practical system of public instruction. From 1854 to 1856, nothing was done towards improving the advantages offered by this large school fund, although experimental legislation on educational matters still occupied the attention of the people's representatives, and several acts of importance were passed looking to the advancement of educational interests and the safe investment of this fund. August 13, 1855, an act was passed entitled "An act to provide for the investment of the special school fund in the bonds of railroad companies incorporated in the State." As under this act and its modifications, over one and three-quarters millions of the present school fund is invested in railroad bonds, we give a synopsis of its provisions: Under its provisions the Gov-

ernor, Comptroller and Attorney General constituted, *ex officio*, a board of school commissioners, whose duty it was to draw from the Treasury the special school fund created by act of January 31, 1854, and amounts thereafter added, and invest the same in bonds of railroad companies chartered within this State; one-half to be loaned to companies whose works lay east of the Trinity, the other half to those whose works were west. Companies were limited to \$6000 per mile, secured by their bonds, which were a lien upon the road, its stock, franchises, fixtures, etc. These bonds to bear six per cent. interest, and no company should receive the benefit of said act until at least twenty-five miles of road was in good running order and twenty-five additional miles graded. Companies availing themselves of this act were further required to pay in yearly, to the State Treasury, two per cent. as sinking fund, to eliminate, in time, the principal loaned. The six per cent. interest accruing on these loans was by this act made subject to immediate appropriation for school purposes. Bonds that remained unpaid at the expiration of the time marked on their face, rendered the road liable to sale, and other sections of the act provided for further securing the State in the loans.

On the twenty-ninth of August, 1855, an act providing for the support of schools was passed, under which the Treasurer was authorized to blend the special and general school funds; and the specie belonging to the latter was transferred to the State account and United States bonds given therefor. It was further provided that the interest arising from the sum of the blended school funds should be set aside for school purposes, and the use and benefit of all children attending school between the ages of six and eighteen. This act provided that the moneys should be appropriated according to the scholastic census returns, with the proviso that the attendance and tuition of the children of scholastic age were to be considered in making the apportionment. Section four of this act declared all schools benefitted by this act *free public schools* yet its provisions in other sections made the law itself, and especially the above declaration, a contradiction. Under section six of this act, provision was made for those *unable to pay tuition fees*. Parties unable to pay were first to satisfy the teacher of the fact. He then reported the case to the chief justice of the county, and the justice reported the case to the State Treasurer. These officers, *assured* that the party desiring to be exempt from paying tuition fees was unable to pay for the schooling of his or her children, *graciously* (?) exempted him, by the State paying the amount. With a system replete with such inconsistencies it is but little wonder that, although nearly \$200,000 was disbursed to counties in one year, the system made no advance, and became more and more obnoxious through the charity

law. Children of poor parents unable to pay tuition were soon singled out by paying scholars and made to feel the humiliation of their position, and many were the taunts and insults hurled at these poorer children. Education received with such bitter memories could scarcely have been beneficial in its effects. In section seven of this same act a provision occurs that orphan children and children of widows who have no other or greater amount of property than is exempted from forced sale shall be considered *indigent* and as such entitled to receive tuition, the State paying the charge.

This law became perforce the educational system of the State, and remained unrepealed for years—to the disgrace of the statute book of a free State. People soon learned that the public free school meant *free* only to those who confessed themselves paupers, and the pride and the dignity of many a worthy but poor citizen kept him from sending his child to a school where its poverty became a living disgrace in the eyes of other scholars and the theme of malicious tongues of the neighborhood.

Of the hundreds of thousands of dollars disbursed from 1856 to 1860, very little went to the proper advancement of free school interests. Private teachers presented their accounts and were paid, and public schools in the full meaning and sense of the expression were unknown to the State. The line was plainly drawn between the poor and the rich, and even the memories of the darker hours and early struggles of the Republic when poor and rich battled alike, failed to arouse legislators to a sense of the wrong they were committing in clothing their benefits with such bitter accompaniments. August 30, 1856, an act was passed providing that no statute of limitation should run in favor of any one who has heretofore or may hereafter settle upon or occupy any of the lands that have been granted by the State for educational purposes. During the years 1856 and 1857 a gradual increase of school moneys had taken place. The Comptroller's report of October 31, 1857, shows on hand school moneys to the amount of \$2,311,077 43, composed of \$1,986,000 in United States bonds and \$325,077 43 in specie. During these two years the disbursements for school purposes had reached \$201,255 49, although no system of public free schools existed.

February 5, 1858, an act entitled "An act supplementary to and amendatory of an act providing for the support of schools," was passed. Under section five of this act county courts were authorized to allow as the regular rate of tuition a sum not to exceed ten cents per day for each scholar who might take the benefit of the act. This act also provided for the appointment of three examiners of teachers to each county, and no teacher was to receive the benefit of

the school act unless he held a certificate from such examiners. A curious feature of this law was a provision by which any teacher that had taught school three months in the State could secure from the State a partial payment in advance of tuition fees. This act reiterated the charity provisions—for indigent children—of the act of August 29, 1856.

From the Comptroller's report, of October 31, 1859, I learn that, under this system, the sum of \$222,813 05 was disbursed for school purposes during the years 1858 and 1859, yet the closest research fails to show that any regular and effective system of free education existed during that period. Most of the money was expended under direction of the respective county courts, and private schools, institutions and instructors received the benefit of it. The poorer classes refused the *charity* extended to them under the law, and preferred ignorance with pride and proper dignity for their children, than the humiliation and disgrace that accompanied the benefits of the so called *free* education. The Comptroller, in his report as above alluded to, gives other interesting figures. Under the act of August 13, 1856, the following investment in railroad bonds had been made: Houston and Texas Central Railroad Company \$450,000, Buffalo Bayou, Brazos and Colorado Railroad Company, 300,000. Washington County Railway Company, \$66,000, making a total of \$816,000. Besides the railroad bonds as above shown, there were at this time in the treasury belonging to the school fund, \$1,423,000 in United States 5 per cent. bonds, and \$34,370 41 in specie, making a total to the school fund credit of \$2,443,370 41. The liberality of the State in the land bounties, called from the Comptroller in his report the following remarks: After showing* the number of acres of unappropriated land to be 100,139,126, of which he declares that "not more than one-tenth will be available for many years to come, and should the State continue to lavish its land bounty on every applicant, that portion will soon be appropriated without the accomplishment of any permanent public good." He further remarks: "As the cause of education and all charitable institutions is to be supported by taxation, if not otherwise provided for, it is recommended that the Legislature appropriate all of the public domain for the above mentioned purposes and with all other public property, such as islands, salt lakes, mines, etc. etc., and invest the proceeds for the benefit of such objects, in railroad bonds or otherwise. If the State can thus provide a large and ample fund for such purposes, and incidentally furnish means for the early development of the resources of the country, supplying the physical wants of the people and improving their mental and moral condition, with the ultimate result of a permanent reduction of annual taxation, a more

than ample return for even so great a domain, would surely be made, and the strife, of expensive legislation over its gradual distribution, for varied purposes, be thereby avoided."

In January, 1860, six thousand dollars were appropriated by the Legislature for the payment of assessors and collectors, for taking the scholastic census of 1859, and on February 8, same year, an act concerning public schools was passed, which added still further to the disgrace attendant upon the charity provisions of the act of 1856. Under the new provisions it was made the duty of the county court to require of each teacher who claimed money for teaching *indigent children* to produce a certificate signed by *two respectable paying patrons* of said teacher's school, stating that the children reported as indigent were those whose parents were unable to pay, or that said children were orphans or children of widows with no property over the amount exempted from forced sale. Unless such certificate was produced, the teacher was to receive no pay for indigent cases. It will readily be seen by this that the accumulation of millions to the school fund, far from liberalizing educational legislation, placed farther obstacles in the way of free public instruction. This *quasi* system of espionage thus established, by which the paying patrons were made arbitrators and judges of the wants of those who were to be the self-confessed paupers, could not but have an unwholesome effect. I think I can assert, without fear of contradiction, that much of the opposition to public and free scholastic institutions found its incipency in this period of antagonism between those able to pay and the poorer citizens, who were fully entitled to the benefits of the school fund, but who were thus so situated as not to receive their meed of its benefits without a humiliation such as few American citizens are willing to submit to.

Agreeably to the repeated suggestions of the State Comptroller, an act was passed February 3, 1860, providing for the investment of the sinking fund which had accumulated or might accumulate from the two per cent. paid in by railroad companies to whom loans had been made. The provisions for investment were the same as those contained in the act of January 31, 1854, with this addendum, noticeable as being an index to the sectional feeling then existing, viz: "that all the special school fund not invested in railroad bonds might be invested in stock bonds of any of the *slaveholding* States of the Union not bearing less than six per cent. interest." Comment upon this is unnecessary.

On the second day of March, 1861, the ordinance of secession was passed in convention, and from this time until the close of the war, and the reconstruction of the State, the history of school fund

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legislation is an embodiment of barefaced robbery. January 11, 1862, an act was passed by the Legislature by which the payment of all interest and the two per cent. sinking fund due or to become due from railroad companies, was suspended until January 1, 1864, or until six months after the termination of the war between the United States and the Confederate States, should the war be ended before the above mentioned time. On the same day the Legislature passed an act entitled "An act to provide funds for military purposes," and under it authority was given to a "Military Board," established by an act of the same day, to dispose of any bonds and coupons that remained in the State Treasury on any account, and use such funds for the defense of the State. They, to further remove all obstacles in the way of arbitrary action, repealed the act that had required the endorsement of bonds by the Governor of the State, and under these several acts all the United States indemnity bonds and coupons belonging to the school fund were abstracted, amounting to over three-quarters of a million. Three days after wards "An act to repeal the act of February 3, 1860," was passed which was clearly meant to prevent any further investment of school moneys in bonds of other slaveholding States, the Legislature deeming such moneys would be soon needed at home.

December 16, 1863, an act was passed authorizing the Comptroller to receive from railroad companies in the State, for interest and sinking fund on their bonds due or to become due, State bonds or Treasury warrants. This was a flagrant violation of the sacred trust of the school fund, and was a subterfuge by which hundreds of thousands of dollars, the heritage of the children of Texas, for their education, was drawn for revolutionary purposes. This act was amended May 28, 1864, by a section declaring that the original act should not apply to railroad companies that failed or refused to receive State bonds or Treasury warrants at par for freight or passage over their roads, at prices or rates established by law; and on the following November 15, 1864, an act was passed by which railroad companies were authorized to discharge any part of their indebtedness with Treasury warrants and bonds and coupons of the State. Under this, the principal borrowed or the interest or sinking fund due, belonging to the school fund, could be settled by trashy representatives of dollars. The actual figures and statistics, with appropriate dates, of the abstractions from the school fund cannot be found; the only report at hand being that of the acting Comptroller for the period embraced between the thirty-first of August, 1863, and June 8, 1865, and from thence to August 13, 1866. From this we learn that the school fund on hand August 31, 1863, had diminished to the sum of \$1,842,132 28, of which \$1,780,980 was in railroad

bonds and the balance was composed of \$11,239 71 in ten per cent. State warrants (worthless) \$7,127 78 in specie, and \$42,784 79 in Confederate money. The \$1,433,000 in five per cent. United States bonds had disappeared, as also the \$150,000 in specie which was on hand in 1861. The loans to railroads had been nearly trebled, and, as will be afterwards seen, represented at this time but little actual value. From August 31, 1863, to June 8, 1865, the sum of \$23,041 50 was disbursed to counties for school purposes and the receipts for the same period amounted to \$426,340 41, most of which was paid in Confederate notes, the only real value represented in this amount being \$7,127 78 paid in specie. The sum of \$320,367 13, interest and principal, received from railroads was represented by six per cent. State bonds (issued in manuscript to replace worthless warrants,) and the entire school fund June 8, 1865, was represented as follows:

• Specie.....	\$6 927 88
• Railroad bonds.....	1,753,317 00
• State bonds, six per cent.....	320,367 13
• State warrants, ten per cent....	11,239 71
• Confederate notes.....	25,012 42
Total.....	\$2,116,864 14

On the night of June 11, 1865, the Treasury was robbed, its safe broken open and all the cash therein abstracted, so that the amount turned over to the Provisional Government consisted of \$320,367 13 in six per cent. State bonds, \$1,753,317 in railroad bonds and \$11,239 71 in ten per cent bonds. It is to be regretted that a complete statistical record of moneys abstracted at different times from the school fund cannot be obtained, but the confusion existing in all offices during the time of the war, and the subsequent robbery of the Treasury and the absence of responsibility attaching to ex-officers of the State for the period while the State was in rebellion, precludes the possibility of obtaining aught but an approximate estimate of losses to the school fund. March 1, 1866, there was due from railroads for interest alone \$300,614 90. This, with the assumed payments made by these companies just before and even shortly after the close of the war in depreciated State warrants, issued to carry on the war, left the school fund a wreck, and the generosity of the founders of the Republic and the noble patriots who had left a sacred trust to their successors unavailing.

In the year 1866 the first Convention since the war was held at Austin, and October 3, 1866, an ordinance was passed making it

incumbent on the Legislature to establish at as early a day as practicable a system of free schools throughout the State, and, as a basis for the support and endowment of said system, all the funds, lands and other property heretofore, or that might thereafter be, set apart or appropriated for the support and maintenance of public schools, should constitute the public school fund, and the fund and the income derived therefrom should be a perpetual fund exclusively for the education of the *white* (mark the distinction) scholastic population of the State. In another provision of this act all the alternate sections of land reserved for the State out of grants to railroad companies, or other corporations, were set apart as a part of the perpetual school fund of the State. It was also provided that the perpetual school fund should only be invested in United States bonds, State bonds or bonds guaranteed by the State of Texas. The Legislature was empowered to levy a tax for educational purposes, *provided that sums collected from Africans or their descendants* should be exclusively appropriated for the maintenance of public schools for Africans and their children. Section ten of the act, provided for the appointment of a Superintendent of Public Instruction; and the Governor, Comptroller and Superintendent were to constitute a board of education, and to assume control of school funds and schools, under such regulations as the Legislature might prescribe. ✓

On the 2nd of April, 1866 an ordinance was passed by the same convention securing the common school fund. etc., under which it was prescribed that the Legislature should, at its first session, provide for issuing coupon bonds of the State for the 5 per cent. United States bonds, and interest transferred from the school and university funds to the State revenue account. This was the first step towards making restitution to the school fund for moneys abstracted for war purposes, and was a saddling of future generations with a tax to pay for the follies of the authors and adherents of the rebellion.

November 1, 1866, the Legislature of the State, convened by ordinance of the Convention, on the first Monday of August, passed an act authorizing the Police Courts to sell the lands belonging to their respective counties, *provided*; the people announced, by their ballots, in those counties, that they favored the proposition of such sale. November 6, 1866, an act was passed authorizing the Comptroller to transfer from the school fund to the State revenue account the sum of \$25,355 33 currency, placed wrongfully to the credit of said school fund during the existence of the provisional government, out of taxes of 1865 and 1866. November 12, 1866, an act was passed regulating public schools, which contained features fully as obnoxious as those that were passed from 1858 to 1863. -1

Trustees elected by the people were to have the distribution, in each county, of the funds either to pay tuition or to build substantial and good school houses, as they might determine. Of course what money was expended went to pay for tuition of children, the Legislature acting for a free people, graciously (?) passing the same day an act to provide for the education of the *indigent white children of the different* counties. The provisions of this last mentioned act were, that the county courts of the several counties might *at their discretion* levy and collect an annual tax not to exceed one-half of the State tax, to be applied solely to the education of indigent children. This class legislation further provided that a list was to be made of all such *indigent children* and the money applied to the payment of their tuition under such rules as the county courts might prescribe. It can easily be perceived that a misnomer was applied to the school acts when they were termed *public free school* acts. While the interest accruing upon land sales, bonds, etc., was going to private teachers and building up private institutions, a pitiful sum was being raised, by taxation, for actual free instruction. A salary was, on the thirteenth of November, 1866, appropriated for the Superintendent of Public Instruction.

A Convention assembled under the reconstruction acts of Congress of March 2, 1867. Among its first declarations, June 30, 1868, was the following: that the sale of school lands by the counties, as authorized by act of November 1, 1866, should be suspended until the reorganization of civil government and until some definite policy could be determined upon in reference to such sales. In the Constitution framed by the same Convention, are the educational provisions under which the Legislature passed the present act. Article nine of that Constitution reads as follows, and is worthy in every respect of its framers:

EXTRACT FROM STATE CONSTITUTION.

Article IX.—Public Schools.

SECTION I. It shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of a system of public free schools, for the gratuitous instruction of all the inhabitants of this State, between the ages of six and eighteen years.

SEC. II. There shall be a Superintendent of Public Instruction who, after the first term of office, shall be elected by the people; the first term of office shall be filled by appointment of the Governor, by and with the advice and consent of the Senate. The Superinten-

dent shall hold his office for the term of four years. He shall receive an annual salary of two thousand five hundred dollars, until otherwise provided by law. In case of vacancy in the office of the Superintendent, it shall be filled by appointment of the Governor, until the next general election.

SEC. III. The Superintendent shall have the supervision of the public free schools of the State, and shall perform such other duties concerning public instruction as the Legislature may direct. The Legislature may lay off the State into convenient school districts, and provide for the formation of a board of school directors in each district. It may give the district boards such legislative powers, in regard to the schools, school houses, and school fund of the district, as may be deemed necessary and proper. It shall be the duty of the Superintendent of Public Instruction to recommend to the Legislature, such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall, at each session of the Legislature, furnish that body with a complete report of all the free schools in the State, giving an account of the condition of the same, and the progress of education within the State. Whenever required by either House of the Legislature, it shall be his duty to furnish all information called for, in relation to public schools.

SEC. IV. The Legislature shall establish a uniform system of public free schools throughout the State.

SEC. V. The Legislature, at its first session, (or as soon thereafter as may be possible,) shall pass such laws as will require the attendance on the public free schools of the State of all the scholastic population thereof, for the period of at least four months of each and every year; *provided*, that when any of the scholastic inhabitants may be shown to have received regular instruction for said period of time in each and every year from any private teacher having a proper certificate of competency, this shall exempt them from the operation of the laws contemplated by this section.

SEC. VI. As a basis for the establishment and endowment of said public free schools, all the funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools, shall constitute the public school fund. And all sums of money that may come to this State hereafter, from the sale of any portion of the public domain of the State of Texas, shall also constitute a part of the public school fund. And the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public school fund. And the Legislature shall set apart, for

the benefit of public schools, one-fourth of the annual revenue derivable from general taxation; and shall also cause to be levied and collected an annual poll tax of one dollar, on all male persons in this State, between the ages of twenty-one and sixty years, for the benefit of public schools. And said fund, and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied, as needed, exclusively for the education of all the scholastic inhabitants of this State; and no law shall ever be made appropriating such fund for any other use or purpose whatever.

SEC. VII. The Legislature shall, if necessary, in addition to the income derived from the public school fund, and from the taxes for school purposes provided for in the foregoing section, provide for the raising of such amount by taxation, in the several school districts in the State, as will be necessary to provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several districts.

SEC. VIII. The public lands heretofore given to counties shall be under the control of the Legislature, and may be sold under such regulations as the Legislature may prescribe; and in such case the proceeds of the same shall be added to the public school fund.

SEC. IX. The Legislature shall, at its first session, (and from time to time thereafter, as may be found necessary,) provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the Legislature to see to it, that all the children in the State, within the scholastic age, are, without delay, provided with ample means of education. (The Legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic population of the State, the interest accruing on the school fund, and the income derived from taxation for school purposes; and shall, from time to time, as may be necessary, invest the principal of the school fund in the bonds of the United States government, and in no other security.)

The biennial report of the Comptroller for the period from September 1, 1867, to August 31, 1869, gives the status of the school fund at the end of that period. The report is as exhaustive as patience, research and care could make it, and the account presents the school fund in a most deplorable situation. Alluding to the school fund invested in railroad bonds, the Comptroller, M. C. Hamilton, says: "This amount due to the State from six of these companies on account of money borrowed by them from the special school fund, principal and interest to March 1, 1868, excluding the

payments which were attempted to be made just before and even after the close of the rebellion, in the depreciated State Treasury warrants issued in aid of the rebellion, is \$2,523,824 21 in the aggregate. These pretended payments were received and entered upon the books of the Treasury to the credit of the companies making them by the then officers of the State government, and have since remained upon the books awaiting the final action of the authorities under the reorganization of the government." Accompanying the above, we have the following figures, showing the indebtedness of the different companies, also the payments made in worthless paper, which are to be added to the principal and interest due, as they have never been received by the State as legal:

**BALANCES DUE SCHOOL FUND FROM RAILROAD
COMPANIES MARCH 1, 1868.**

	Principal.	Interest.	Amount paid in 1864 and 1865 in warrants.
Houston and Texas Central Railroad...	\$432,000 00	\$63,390 00	\$105,774 35
Buffalo Bayou, Brazos and Colorado R. R.	408,000 00	91,800 00	98,019 25
Washington County Railroad	37,017 00	6,667 96	47,060 20
Houston Tap and Bra- zoria Railroad....	295,800 00	70,990 87	69,483 33
Texas and New Or- leans Railroad....	430,500 00	164,666 25	
Southern Pacific Rail- road.....	150,000 00	52,625 00	
Total.....	\$1,753,317 00	\$450,140 08	\$320,337 13

The Twelfth Legislature passed at its first session in 1870 an act providing that all money received from sales of geological reports should go to the school fund, and on the same day (August 13, 1870.) an act was approved entitled "An act for the relief of railroad companies indebted to the State for loans from the special school fund." Under this act the railroad companies were relieved from sale and foreclosure of the mortgages in the hands of the State, on the payment of six months interest, and one per cent. as sinking

fund, on the aggregate principal and interest due the State as it stood May 1, 1870, and the interest and one per cent. to be paid thereafter every six months.

In case of failure of any road to comply with the terms of this act, the Governor was authorized to sell said road, its franchises, stock, etc. Under this act it is hoped that most of the school fund invested in railroad bonds can be saved to the State. But one road has failed to comply with the law, the Houston Tap and Brazoria road. The sale of this road has produced \$130,000, and the former bonds become thereby worthless. In August, 1870, an act to establish a system of public free schools for the State of Texas was passed, and speedily showed its inoperative nature and worthlessness. Under section three of this act each county was made a school district, and the justices of the peace, composing the county courts, were made the school directors of their respective counties. They were to subdivide their districts, locate school houses, levy, and have collected, an ad valorem tax, not exceeding one per cent. wherewith to build school houses; appoint school trustees in sub-districts; appoint three examiners in each county, remove teachers or expel students, and make rules and regulations and by-laws for the government of schools in their respective counties; and for these duties were allowed a *per diem* equal to that allowed for similar service in the police court.

It will be readily seen that under this law no uniformity of rules, examinations or requirements could be made, and the sequel to the practical workings of the law proved its uselessness. Three counties in the State reported the levying of a school tax. In one, the amount after being collected remained idle and untouched; in another, they turned the amount into the the general county fund and expended it for other than school purposes; and in the third they violated the provisions of section three of the act which declared that each sub-district should have the benefits of the taxes paid by its own citizens, by appropriating the entire amount collected (and assuming an indebtedness besides) to the building of one school house in one of the five precincts of the county. Other features of the law were equally bad; for instance, the provisions applying a portion of the school fund to private institutions, requiring merely that the teacher should be examined and have the sanction of the school directors. The Governor in his message to the Legislature, in January, 1871, recommended the passage of an efficient school law, declaring the law of 1870 impracticable, and to this recommendation, and the knowledge of the inoperativeness of the old-law, are we indebted for the law under which the present system has been established. The act, which became a law April 24, 1871, will be

found elsewhere, as also a detailed statement of the permanent and available school funds; Exhibit "H" shows the amount of principal and interest due from roads on the first of May, 1870, excluding the report of the road sold—the Houston Tap and Brazoria line.

I have carefully followed the laws and their workings and purposes since 1836, and am indebted to the press of the different years since that time for opinions as to the success of the different acts. I can safely assert that until the present time we have never had an educational law free from most glaring defects, and this, coupled with the want of encouragement from the people, has kept our State, with its handsome school fund, full a half century behind the times, and withheld from the children of the State those benefits that redound ultimately to the credit of the State, through their becoming intelligent, law-abiding and energetic citizens. The experience of the legislation of the past in educational matters should be a warning for the future, and withhold our legislators from experimenting with a subject so vast in its influence upon the people; so responsible in its relation to our prosperity, welfare and future as a State.

SUPPLEMENTARY REPORT
OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION,
FOR
FIRST SCHOLASTIC TERM—1871.

To His Excellency E. J. DAVIS,
Governor of the State:

SIR: I have the honor to herewith submit, in connection with the report required by law to August 31, 1871, supplementary report as Superintendent of Public Instruction, up to and inclusive of, December 10th, 1871.

My report to August 31, 1871, embraces only such features as relate to organization, together with experiences of the past, statistics relating to school funds, and data showing our need of an efficient system of education, from information that was at hand at the time. Since then, schools have been opened in nearly every district and are now in operation, and from the workings of our educational law, and the rules and regulations adopted by the Board of Education, the most gratifying results have been experienced. Reports to December 10, exhibit the following condition of education in our State:

Number of school (Judicial) districts in the State.....	35
Number of Supervisors of districts.....	35
Number of school directors, in 123 counties,.....	615
Number of teachers.....	1,578
Number of schools 1324, of which 1107 have been graded...	
Number of pupils.....	63,504
Average number of pupils to a school.....	48
Amount appropriated by the Legislature for each child.....	\$1 75
Clerical force in Department of Superintendent.....	12
Number of teachers' certificates issued to date.....	3687
Number since August 31.....	1942
Number of letters received at this office.....	2975
Number of letters answered and written from this office....	4245

This exhibit must be gratifying to the people throughout the State, a large portion of whom have expressed their fears that, as in the past, legislation on school matters was in advance of public necessity.

While at every step this department has met with stubborn opposition from factions opposed to free schools—and in fact to every species of progress inaugurated by the present State administration—there have still been found men who, rising above party lines and distinctions in the great work of education, have entered boldly into the advocacy and strengthening of our bulwark of safety—the education of the unlettered, the ignorant and the youth of our State. The experience of the past three months has demonstrated that the sovereigns of the soil, the true American citizens, are fully alive to the importance and necessity of public schools, and to the system in its infancy have lent such vigor and strength that, as if by magic, over 63,000 children have been marshalled and installed in public schools and a corps of teachers, able, efficient, moral and experienced, been provided, who already report most favorable progress.

The educational law has undergone some modifications since my report of August 31; economy suggesting some few changes, recommendations for which were made by the Board of Education to the Legislature, and acted on by that body. The number of educational districts has been reduced to twelve, and the area of country over which each Supervisor has control, extended considerably.

SUPERVISORS.

The employment of thirty-five supervisors was a necessity in the organization of schools but economy suggested a reduction in number as soon as headway was made in opening schools. These new supervisors will not, however, enter upon the duties of their office until the first of January; and I desire to extend to the present supervisors my thanks for their uniform show of zeal, ability and discretion in managing the affairs of their respective districts.

Their duties in the selection of directors, partial examination of teachers, grading of schools, and fatiguing and expensive travel over their districts have been onerous, and above all, are they to be complimented for the patience and courtesy with which they have withstood the opposition of the enemies of our public schools. Some delay has occurred in the forwarding of their consolidated reports of schools, but when we consider the irregularities of mails and the remoteness of some of them from the Capital, we can excuse this delay.

SCHOOL DIRECTORS.

In the matter of selection of school directors, much difficulty has been experienced. A commendable spirit has been shown in some counties, by the best of citizens accepting the office of school director, which offers no emoluments, but a decided degree of responsibility and considerable labor; but in others sectional feeling or other unfounded prejudices have operated to such an extent that it was impossible, at first, to obtain a sufficient number of citizens to act as a board of directors. In such cases the entire matter of selection of buildings for school purposes and assignments of teachers has devolved upon supervisors, and thus increased the amount of their labors. By circular of August 21, contained in my first report, the boards of directors in many counties have been re-formed in order to have each precinct in said counties represented. This has necessitated additional correspondence and reiteration of instructions, and in some counties caused a delay in opening schools, the supervisor, perchance, being absent in some other part of his district. Great difficulty has likewise been experienced in keeping directors to the strict limits of the rules and regulations and the provisions of the circulars of instruction issued from this office. This is manifested in an extraordinary degree in the matter of levying the school tax. In some counties board after board of directors have resigned their positions under the pressure of political influence brought to bear by opposing factions, the proceedings of a so-called tax convention at Austin making it a part of their programme to invite the non-payment of this necessary tax. Men have been found in all communities sufficiently insensible to the advantages of public instruction to take stand against aught that looks like a support or encouragement of public free schools; and though experience is daily proving that their influence is growing gradually less, in the outset it was the occasion of much annoyance, delay and embarrassment to this department. It will be naturally supposed that in a state with but a few hundred miles of railroad the inconveniences of travel, coupled with its expense, operates against the frequent convening of boards of directors. Such has been found to be the case, and accounts for much, that should have been done in their districts, remaining undone. A few years, with the rapid extension of the many chartered railway enterprises, will obviate in a measure this great disadvantage, while a few years of prosperity will bring to our State such increase of revenue as will warrant at least the payment of traveling expenses incurred by the members of the different boards.

LEASING OF SCHOOL BUILDINGS.

In the matter of leasing buildings for school purposes, I have reason to feel encouraged at the liberality displayed in many of the counties. In three hundred and eighty-six instances a merely nominal rent of one dollar has secured for the board of directors, a school house, and it is with pride that I thus record the public spirit shown and the liberality of those who evince their willingness to foster and encourage the educational interests of the State. In other counties and communities, where opposition to free schools found a strong foothold, buildings that were for rent have been refused for school purposes, while in others the speculative propensities of lessees have evinced themselves in the high charges made for use of their buildings. In other States, the people annually expend for school houses alone as much as we are now devoting to our entire educational system, teachers' pay, rents, salaries of officials, contingencies, and all.

It is to be regretted that a bill introduced at the last session of the Legislature, entitled "An act to aid the available school fund and place it on a sound and permanent basis," did not become a law. This bill proposed in a very sensible manner to provide for the building of school houses throughout the State without entailing upon the people the burdensome and immediate taxation necessary to raise over two millions of dollars. Adopting the principle that future generations would be equally benefitted by these schools, with ourselves, the framers of the bill proposed to distribute through thirty successive years this burden of taxation, and accordingly they proposed to authorize the issuance of two and a half millions of dollars in State bonds bearing seven per cent interest, with a sinking fund yearly, sufficient to pay these bonds in thirty years. In the Senate the bill was prefaced by a promise of its advocates that they would on its passage move to adoption a resolution repealing the one per cent. tax, levied in the different counties. This bill passed the Senate but was refused passage in the House, the democratic members arraigning themselves solidly against it. Thus one of the most important legislative acts of the session, one that should have received support of all parties, interested in the success of our educational system, was refused passage, and a matter of vast importance to the State thus held in abeyance through blind partisan opposition.

The character of buildings leased, as school houses, is very poor, lacking space, convenience, furniture, eligibility of site, and what is of greater importance than all, proper ventilation. A few of the larger cities afford something near the requisite, but the instances are rare. The one per cent. tax levied in the different counties would

not suffice, in a majority of instances, to build more than one or two school houses in a county, and as part of the proceeds of that tax will have to go to the support of teachers in paying their salaries, owing to the meagreness of the appropriation made by the last Legislature, it will readily be seen that some other plan must be adopted to secure for the State suitable buildings for the wants of over two hundred thousand scholars, whom I feel assured will be embracing the benefits of the public school system within the next two years. Again, it is impossible to calculate the benefits to accrue to our system by having proper school buildings; well made, neat in exterior and interior, and inviting, by their pleasant situation and appearance, the scholars to their studies. Not alone does the pupil feel the influence of pleasant surroundings; the teacher, whom in late days we are beginning to look upon as one whose vocation is as high as that of the ministry, is able to preserve more decorum, better discipline, and confine his own mind more earnestly to the duties before him, than where a wretched dwelling, filled with impure air, with rough furniture and patched walls is the apology for a school room.

PRINCIPALS.

The educational experience of nearly every other State in the Union has suggested the wisdom of selecting for each county, or for every one or two counties, principals of schools, chosen from men possessing both the acquirements of a teacher and administrative abilities, that will enable them to correct any errors in school management in their respective counties that may creep into the different school rooms. No system of organization of the schools of a State can be made so perfect but that so-called teachers may sometimes secure positions, who are morally and intellectually unfit for such a trust. It is made the duty of principals to detect, in a system employing its thousands of teachers, all such cases and report them promptly for dismissal. In addition to this they assist in the organization and opening of schools wherever needed in their counties. They are likewise the recipients of teachers' monthly reports, and forward monthly a report of all schools under their supervision, of the teachers employed therein, rate of pay, increase of scholars, rent of buildings in which schools are held, supplementing such monthly report by record of all matters of interest in their respective counties connected with educational matters.

In the second scholastic term, approaching, an increase in the number of schools—and consequently teachers and pupils—can be expected. The reduction of the number of supervisors from thirty-

five to twelve may necessitate the employment of principals in our State, which will throw the work of grading schools and making the examination of classes, as prescribed in the law, on them. Teachers, following the law of self-interest, are liable to push their scholars beyond their actual capacities in enlarging the first or second classes so as to draw larger salaries under the construction of the circular of August 21, 1871. This evil, the employment of principals, will remedy, and they will in this feature alone be able to save the State, yearly, many thousands of dollars, sufficient to more than pay the salaries allotted to them. Constantly coming in contact with the teachers of their respective counties, they will at all times be ready with judicious advice to advance the interests of those schools, improve the system of teaching, or by timely suggestions, save to the teachers as well as the scholars much trouble and care, and preserve over all a watchfulness that will leave the present system no opportunity for retrogression, but every accompaniment to rapid advancement.

EXAMINERS.

The Boards of Examiners, appointed in view of the urgent demands upon the department for certificates, in the early organization of the system, and carrying out of the law, concluded their labors some time since and have been dispensed with, and the duty devolving upon them has become the work of supervisors, and will in the future be entailed on the principals of schools. A board of examiners still holds meetings at Austin, but are paid for actual services only, which averages one day in the week. These boards fulfilled their duties with zeal and dispatch, and the results of their work are shown in the 2687 teachers to whom certificates of competency have been issued, and the report of rejected applicants, failing in examination, aggregating 1337. By appointing traveling examiners, the great expense of employing boards in every county has been avoided, and the amount thus saved to the State will go to further our educational interests in other and equally important particulars. The number of examinations, weekly reported to this office, is still very large, sufficiently so to warrant the exclusive attention of one clerk in issuing and recording certificates of grade according to recommendation. The certificates issued are, chiefly, of the second, third and fourth classes.

TEACHERS.

The teachers selected in the different districts are giving complete satisfaction both to the department and to the parents or guardians

of pupils. In some localities they are subject to such persecutions as malice and political bias of opinion can invent, but I have reserved such cases for more special mention in another part of this report. Owing to the sparse population of some districts, the distance that some scholars would have to travel to reach the nearest graded school to their homes, it has been deemed expedient to authorize a school of fourth-class, in which all the branches of a primary education are taught and children of extreme youth can attend without being under the necessity of going three or four miles to reach the graded school. This has added largely to the number of teachers, and while it suits many localities that would otherwise withhold their younger children from schools, is also admirably adapted to the frontier settlements and saves to the State a large amount of money that would otherwise be spent in granting third-class pay to teachers with less than the minimum number of pupils. The rate of pay for fourth-class teachers has been fixed at thirty-five dollars per month, and the selection of such teachers fills to nicety a vacancy that was keenly felt in the less populated districts of our frontier and coast counties. Supernumeraries or assistants are also provided for in circular from this department, dated October 26, where pupils to the number of fifteen more than the minimum prescribed for one or more teachers attend a public school. Their pay is fixed at one dollar and fifty cents per month for every scholar of the fifteen or over, where there are not enough pupils to warrant the employment of another teacher on full pay. This, however, does not allow any teacher already assigned to first, second, or third-class, to draw extra pay. This provision of one dollar and a half per scholar also applies to teachers whose schools number less than thirty-five pupils.

EQUAL COMPENSATION TO MALE AND FEMALE TEACHERS.

In the matter of equal compensation to male and female teachers, Texas has taken a stand that places her in advance of a majority of the States of the Union, and thus exhibits an example of justice commensurate with the liberal provisions of her educational system. I see no shadow of reason why a faithful and competent female teacher, subject to all the expenses in supporting herself that a male teacher is subject to, should be wronged by an act of partiality in the important consideration of pay. The experience of all States has proven that as educators women are fully as efficient as men. The drawing of lines of distinction is one of those relics of barbarism that are the offspring of the old feudal system, and our boasted civilization of the nineteenth century becomes mythical in

its type so long as statutory enactments for equal services of the sexes, prescribes unequal compensation. In the matter of primary education, I am satisfied that female teachers are preferable to males, and I am confirmed in this opinion by the testimony of the best educators throughout the Union.

TEACHERS' CONVENTIONS.

Before leaving the subject of teachers, there is a matter of importance, in its effects upon our future, to which I would most respectfully invite your attention. With a system in its infancy and fettered for want of available means, it is impossible to arrive at any satisfactory conclusion as to when we can construct a system of Normal schools, suitable to the wants of our large State, consequently, the most approved methods of teaching, especially in the higher branches, cannot receive that attention they otherwise would, with well conducted Normal schools.

As we have teachers of experience in our State, whose qualifications will compare favorably with those of any State in the Union, a teachers' convention, to be held once or twice a year, would be of incalculable advantage, by bringing the less experienced educators in contact with those, who, in a series of lectures, embracing such subjects as their experience suggests, would diffuse much valuable information and increase the sphere of usefulness, of the bulk of teachers, in a decided degree. This intercourse would be productive of other good results, bringing, as it would, hundreds of educators into sympathy with each other, promote competition, and act as an encouragement to teachers in their arduous labors. To be productive of good results, the call must be under color of sanction of responsibility, and I would therefore suggest, that the Board of Education call such a convention, to be held, say, in the coming vacation of July, 1872, at such place as centre of travel, hotel accommodations, etc., would suggest. This convening of all those engaged in educational labors, at some central point, once or twice a year, is productive of much good in other States, and is encouraged and sustained by liberal annual appropriations. New York expends twenty thousand dollars a year for their maintenance.; Maine, four thousand dollars; Connecticut, three thousand; Massachusetts, three thousand, and Minnesota and California, each, two thousand dollars. These short term conventions, possessing the advantages of a Normal school, are of value in elevating the standard of teaching. The Superintendent of Public Instruction of California, in connection with them remarks: "The teachers of California, constitute the advanced guard of the great army of instructors, cut off from all personal communication

with the main body, and too distant to feel the influences which are perfecting the drill and discipline of the corps in older communities. Many teachers, though liberally educated and schooled by experience and travel, are not familiar with the new methods known to the professionally trained teacher, and to such, the practical knowledge, communicated in a single session of a Convention, is invaluable. The best thoughts, and acquirements of the most original teachers, are elicited and thrown into the common stock of professional knowledge. These conventions influence public opinion by bringing the teacher's labors more prominently before the community, and by promoting a higher estimate of the common school in its vital relation to society and the State." If California, with its practical working system of years, still profits by these conventions, surely we with our early educational graft can strengthen our system's growth and make it yearly more complete and effective in its several provisions. Great care has been paid to securing our schools from the introduction of any sectarian or political influence and notice of any such attempted exercise of religious or political bias, has met with the prompt discharge of the offending teacher.

TEXT BOOKS.

The text books, adopted by the Board of Education, are giving universal satisfaction and are being rapidly introduced into the schools of the State. In remote districts it has been impossible to enforce promptly, the rule permitting the use of *no* other books, as the prescribed books were not to be had, and it was deemed expedient to let the schools open and continue with their other series of books, until such time as dealers and agents could furnish a full supply. The low prices at which the publishing firms of the works adopted, have placed the books, have rendered the procuring of them an easy matter with even the poorest of the patrons of the public schools. Depositories of school books have been established at the principal points in the State, who receive the books direct from the publishers at the regular contracting rates. This arrangement effectually prevents speculation in these books by merchants throughout the State, as the depositories furnish them at prescribed figures and thirty per cent. below the published rates. In the introduction of a uniform system of school books our State has been saved many of the annoyances that other States, who leave to counties the selection of standard school books, so unceasingly complain of. Scholars who, by change of residence are transferred from one school to another, find at their hands the same texts, treated in the same familiar way and are able to go on with their studies with-

out mastering new definitions. Then, too, as a matter of economy, the saving of this system, to the people of the State, is immense. With different books in different counties every change of location of a family would necessitate an additional outlay of money, while now, such is entirely avoided.

SCHOLASTIC CENSUS RETURNS.

I have appended to this report a full statement of the scholastic census as forwarded by District Clerks of the different counties of the State. These exhibits, while approximating in many instances to correctness, lack the essentiality of accuracy so requisite in guiding the distribution of funds, from this office, to the different counties. The officers entrusted with the taking of this scholastic census, have in a majority of instances performed their work carelessly and clumsily, notwithstanding the reiteration, through the correspondence from this office, of the necessity for care and completeness. I greatly fear that the present provisions of the law directing the compiling of the scholastic census statistics, have proven and will continue to prove inoperative. Even larger compensation to officers taking the scholastic census will not insure accuracy, for there are many who, at a distance from the Capital, cannot understand, or understanding, cannot appreciate, the necessity for perfectness in this matter. Nor is the evil of carelessness confined to remote districts, for in Travis county, with the Capital city as its centre, there is a failure to report 1200 children of scholastic age. Fayette county returns are so incomplete, as to have omitted enumeration of 980 children of scholastic age, while nearly every county in the State will present an exhibit of like negligence and carelessness. As the appropriations for school purposes, made by the Legislature, are divided amongst the different counties in proportion to the number of their scholastic population, it will be readily seen that in the end, the respective counties, with inaccurate census returns, are the sufferers. Steps should be taken before the next appropriation to have the scholastic census perfected, and such penalties should be attached for carelessness, on the part of the census takers, as will insure full and accurate returns from every part of the State.

LANGUAGES IN SCHOOLS.

In the matter of the introduction of the Spanish German and French languages into schools, where the descent or birth of a large proportion of the scholastic inhabitants would warrant the same, full instructions have been issued to secure the employment of the re-

quired German or Spanish teachers, and in the next scholastic term many schools of this character will be opened. Great difficulty is experienced in finding teachers fully conversant with these languages, and at the same time up to the required standard in the other branches, prescribed as part of the essential qualifications of a teacher, or they are deficient in the knowledge of English. What few are found, deem themselves entitled to extra remuneration for instruction in language, which in view of the liberal provisions already made for the different grades of teachers, and the necessity of rigid economy in every item of expenditure, I have not felt at liberty to grant.

NIGHT SCHOOLS.

But little progress has been reported by teachers in opening night schools in their districts, though I feel convinced that they would be largely attended if the system was duly inaugurated and proper publicity given to the announcement of their organization. The encouragement of such schools would be one of the subjects that would come before a teachers' convention, and doubtless receive full meed of attention. The benefits of such schools to the uneducated classes whose occupations usurp their attention during the day, are simply incalculable, and such schools have always come in for a share of attention and encouragement from the best educators of the different States.

PRIVATE SCHOOLS AND TEACHERS.

A positive indication of the success of our free school system is found in the applications daily received, from persons, controlling private schools and institutes of learning, offering to reorganize under the present free school law. Among these applications are many from teachers of experience, who express themselves as decidedly pleased with everything connected with the present construction of our public school system, and as true and earnest advocates of universal education, they offer their experience and assistance as educators in our schools. It is needless to add that in nearly every instance, their devotedness to the cause of learning has been appreciated, and they have received assignments to the same localities in which they have been teaching their schools. The number of private schools in our State is becoming gradually less, as but few people are so blind to their own interests as to incur the expense of from thirty to fifty dollars per year for a child to attend a private school, and pay the assessed taxes besides, when the public schools are fully equal in every respect to the best of private schools.

SCHOOL VISITATION.

It is earnestly hoped that the reports of the next scholastic term will witness an increase in the show of interest taken in schools by the parents or guardians of scholars. The number of visitations at the different schools is very small for the past term. If the people will but think of the encouragement lent to both teacher and pupil, in a visit to the school room, I am sure they will not hold back in a matter so trifling to them, but so full of pleasure to the attendants of schools. Then, too, the visitor becomes intimate with the inner workings of the public schools; his interest is insensibly drawn to methods of teaching, hearing recitations, and the general management of scholars; and sometimes he, she, or they can drop a judicious word of advice to a teacher, or a word of encouragement to the scholar, and the little seed thus sown add largely to the good feeling in a community, and bear precious fruit from the stimulated ambition of the teacher and pupil. The visit of one of a community of persons will encourage others to do likewise, and ere long the spectacle will be presented, as in other States, of every good citizen lending practical encouragement to the great educational work.

COMPULSORY EDUCATION.

Sufficient time has not elapsed to give any experience of the workings of the compulsory feature of our school law, though I have deemed it advisable to accompany this report with such data, in regard to its workings in other States and countries, as will, in a measure, allay the prejudices that exist in many minds in regard to forced attendance of children upon schools for four months in the year. The question of universal education has received, and is receiving, attention from the ablest statesmen of all countries; the features of the late European struggle, and still more noticeable, those of the Paris Exposition, presenting overwhelming evidence of the preponderance of merit attaching to countries with a system where all citizens are required to be educated, over those where education is optional with the inhabitants.

EDUCATION OF THE COLORED RACE.

Schools for colored children have been opened all over the State, and are crowded to overflowing with children who evince an eager thirst for knowledge, that augurs well for the future of this class of people. Nor are any of the defects in mental capacity, which have been attributed to them, noticeable, but on the contrary, the children

evinced retentiveness of memory, quickness of perception, and ability to understand, fully equal to any other race. Nor are they less susceptible of being disciplined and induced to behave with decorum and propriety than the same number of white children; and the problem that agitated the Southern mind a few years ago, of what would be the future of the colored people, is settled, for education will make them self-reliant, self-supporting and valuable citizens. In fact, the records of history show few instances of a people, released as suddenly from bondage, recovering their mental equilibrium with the facility with which the colored race have regained theirs. They enter into the educational work before them, with a zest that bespeaks their full understanding of the importance, to them, of that great influence. Where it has been impossible to lease buildings for opening their schools, they have offered their churches, and in many instances have clubbed together and raised means and materials to put up their own frame school houses, that their children, at an early day, might reap the benefits of free schools. The greatest difficulty experienced in giving them the benefits of the law they are justly entitled to, has been in procuring teachers for them. The bitterness of unfounded prejudice against the colored race still exists in our State, and few teachers have the nerve and hardihood to meet the continual insults, the social ostracism, the threats of injury and all the annoyances that malice can invent, that teachers of colored schools are subject to. Many teachers have essayed to brave all these terrors, and some few have succeeded in conquering, by patience and a long martyrdom, a peace; but in other cases intimidation and ostracism have done their work, and schools closed for want of teachers.

DIFFICULTIES EXPERIENCED.

In communities reaching in number a proportion of nearly a thousand people, these teachers of colored schools have been unable to procure board, and often even lodging. In other instances the teachers have been taken from their abiding places at midnight and whipped by disguised men, for no other cause than encouraging education of the colored race. Others have wended their way to their school houses in the morning only to find the building a heap of ashes, and under adversities of this character and threats, have been compelled to resign their positions, and thus leave their school to break up for want of a manager. I know that this state of affairs can be remedied in every community, by the citizens doing but a modicum of their duty, and frowning upon such violations of law; but it is not to be expected they will do it, until they begin to feel,

through their own annoyance, that their community interest demands it.

THE REMEDY.

I would recommend that a law be passed assessing communities, where school houses are burned, with the expense of a new one, and this midnight incendiarism will soon cease. Let a provision of that law allow an action for damages to be entered against the people living in a county or a precinct where teachers are outraged by midnight whippings or other bodily injury, and this phase of Ku Klux management will also disappear. Violence, lawlessness, intimidation, arson, and outrage of the rights of others, cannot exist in a community where the citizens show by their actions that they discountenance such; and a law holding them in a measure responsible for harboring in their midst the perpetrators of such damnable outrages will soon secure for our State the peace and security that the law guarantees to every citizen of our republic. Something must be done, and done speedily, to remedy these existing evils of intimidation and incendiarism, and give to the colored people full protection, in person and property, in their educational rights.

SCHOOL TAX.

The collection of the one per cent. tax levied in the different counties by boards of school directors, promises to be accompanied by many difficulties. This tax is essentially necessary for the purpose of building school houses and supporting schools, yet designing politicians and factionists seek, through wide spread opposition, to cripple our system of education in its infancy, by throwing every obstacle in the way of the collection of this tax. The result of their success would be to deprive the children of the State of the means of education. Thirty years, Texas has been without public schools, and a full generation allowed to grow up uncared for in this important need. It has become an axiom, in the science of government, that the governing powers thereof, have the same right to levy taxes for the purpose of education of its children, that it has to levy them for the suppression and punishment of crime, for the absence of education but leads to an increase of crime, as the statistics of every country show, yet in the face of this, collection of the taxes levied in this State for educational purposes meets with violent opposition from a certain class who thus evince their opposition to an important feature of republican government. This opposition has, in many counties, had the effect of leaving sheriffs undecided as to the nature of their duties

respecting the collection of the school tax, and feeling the importance of positive measures in this regard, I applied to the Attorney General, and from him received the following paper dated, Attorney General's office, November 19, 1871, which the Board of Education published in the circular, dated December 11 :

" OFFICE OF BOARD OF EDUCATION, STATE OF TEXAS, }
AUSTIN, December 11, 1871. }

"The following is published for the information of justices of the peace and sheriffs of this State, in relation to the school tax authorized by law of April 24, 1871 :

" ' ATTORNEY GENERAL'S OFFICE, }
November 19, 1871. }

" : *To Sheriffs and District Judges :*

" "On page 28, entitled, ' Proceedings of the Tax Payers' Convention of the State of Texas,' which has been extensively circulated, I find over the signature of ' W. M. Walton, chairman of committee of seven,' the following paragraph :

" "We believe that if an effort is made to collect this one per cent. tax, that an application to any honest judge for an injunction, setting up the objections to the enforcement of said section five as a part of the law of the State, an injunction will be granted, and the sheriff, as collector of taxes, will be restrained from further collection until the question is judicially determined; and we further believe that such injunction, if granted, will be perpetuated by the highest courts of the country.' "

"The Supreme Court of the United States, Mr. Justice Field delivering the opinion, in the case of "Dows vs. the City of Chicago," has held precisely the contrary to be the law. The abstract of their decision, which is fully sustained by the text, is as follows: ' A suit in equity will not lie to restrain the collection of a tax on the sole ground that it is illegal.'

" I deem it proper to call the attention of sheriffs and district judges to this decision.

" WILLIAM ALEXANDER,
" Attorney General."

" *An act supplementary to an act entitled ' An act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856.'*

" SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That every person, or member of a firm or corporation, sub-

ject to the payment of an occupation tax, who shall neglect or fail, after having been duly notified by an officer charged with the collection of any such occupation tax, to comply with any one of the several provisions of an act entitled 'An act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871, concerning occupation tax, shall be guilty of a misdemeanor, and shall, on conviction, on indictment or information, be punished by fine not less than five nor more than one hundred dollars.

"SEC. 2. Any officer who is charged by law with the assessment or collection of taxes, who shall fail to comply with any one of the requirements of the law concerning taxes, shall be deemed guilty of a misdemeanor, and shall, upon conviction or information, be punished by fine not less than five nor more than one hundred dollars.

"SEC. 3. That this act shall take effect and be in force from and after its passage.

"Approved December 1, 1871."

Information having been received at this office that district judges have enjoined the collection of the school tax in some individual cases, and that some sheriffs have taken such injunction as an excuse from attempts to collect the tax from other persons liable to pay it, it has, therefore, been found necessary to say, that sheriffs will continue to collect the school tax in accordance with the rules and regulations adopted by the Board of Education of the State of Texas, or subject themselves to the penalty of the law.

When a district judge grants an injunction, in any particular case, the sheriff of the county and district attorney of the district must at once appeal from such interlocutory judgments as authorized by the act approved November 1, 1871; and in the meantime the sheriff must proceed to collect the tax from all other persons, requiring each individual to pay his tax or take out a separate writ of injunction.

EDMUND J. DAVIS,
Governor.

WILLIAM ALEXANDER,
Attorney General.

J. C. DE GRESS,
Supt. Public Instruction.

OTHER DIFFICULTIES.

Another feature of opposition presents itself, in a general spreading of reports, that teachers will not receive the compensation due them for services, and every hour of delay in settling teachers' pay accounts, adds to their apprehensions, excited by the reports of the opposition. Particular attention has accordingly been paid, in this department, to the details of approving and paying teachers' vouchers, and the work is sufficiently large to keep a force of four experienced clerks constantly occupied during office hours, and a great portion of the time, causes a continuance of their labors far into the night.

WORK OF THE SUPERINTENDENT.

The multiplicity of duties devolving upon the Superintendent of Public Instruction, of this State, demands most active exertion, from him, in order to keep the machinery of office unclogged by accumulation of matters requiring early and personal attention. The receipt and disbursement of large sums of money; necessity of a personal knowledge of the reports of supervisors; attention to the applications of teachers and others, for situations and requisitions, from boards of directors, for teachers; familiarity with the financial condition of each county, as regards the collection of the school tax; attention to complaints from different parts of the State; duties as a member of the State Board of Education; the approval of every lease, and every voucher of expenditure from the different counties; preparation of circulars of instruction, and all rules and regulations for the government of free schools before submitting them to the Board of Education for adoption; these are some of the duties devolving upon him that engross every moment of time, and demand at his hands unceasing labor. Nor are the duties of the employés less arduous. Up to December 11, 1871, the number of letters received had reached the number of 3975, while 4245 letters had been written, copied and sent *from* the office on matters connected with the educational interests of the State. In another branch of office work, 3687 teachers' certificates had been issued, every one bearing the signature of the Superintendent, the filling out of blanks, attaching of seal, posting, etc., demanding the exclusive attention of an efficient clerk. Add to all this work, the thousands of circulars distributed, the blanks furnished to county officers and school teachers for reports, the books of records distributed to teachers, supervisors, and treasurers of county boards, the filing of all letters received, so as to have them reproduced at a moment's notice, the indexing of letter copies,

the keeping of books and accounts connected with the outlay of hundreds of thousands of dollars, and some conception can be had of the immensity of the labors devolving upon the Educational Department. My clerical force is, at present, small in numbers, in comparison with other States, but necessity of close economy prevents enlarging it. A great deal of night work is performed, accordingly, by the office employés, and I feel grateful for this show of their zealous and hearty co-operation with me, in perfecting the school system as rapidly as possible.

CONCLUSION.

In presenting this Supplementary Report to your notice, I have briefly reviewed the leading points of interest connected with our free public schools. There are many minor details, of school organization and government, that cannot, in this report, be given space and attention. The success of our system, during the first scholastic term, has been beyond my most sanguine expectations. An amount of latent progressive force has been found, amongst the people of our State, that insures success for our system in the future, if we but take the proper means, from time to time, to enlist their sympathies, hopes and ideas, in educational advancement. We have advantages, in our school law, that many States, after years of experience, are just preparing to adopt, and we know that the fundamental principles of our educational structure, are those most approved by educators of experience and ability. The Commissioner of Education, in his general report upon education, for 1870, classes Texas as "the darkest field, educationally, in the Union," but, in the report for 1871, speaks in hopeful terms, both of our system and the construction of our educational laws. Our internal peace, the gradual return to a better state of social feeling, the awakening of new interest in all schemes of internal improvement and progression, all depend upon the success of our school system; and the legislators, for years to come, should be unsparing in the encouragement and advancement of free education, so as to bring it, at an early day, fully up to the standard of that of other States. As yet we have hardly advanced to anything more than a primary or preparatory system of instruction. We have only prepared the ground work. High schools, Normal schools, and finally a State University, crowning the whole structure, are yet to be afforded our State, where its sons and daughters, of talent and energy, will receive those advantages of cultivation that will fit them for the positions of honor they may finally earn, by their talents.

In the matter of immigration, free education exerts a power second to none. Whether it comes from Europe, where education,

in most of the countries, is compulsory, or from the Western States of our Union, that rate their yearly outlay for public schools by millions, or from the Eastern and Middle States, where, for years, the most perfect systems have prevailed, or from our sister Southern States, unblessed by an endowment as large as our own, the fact of our possessing schools, for all children, to lift them above ignorance, and its accompanying evils, is an inducement to the immigrant—a surety of the moral and intellectual welfare of his children—that he is sure to appreciate. Free education is to the immigrant what the Polar Star is to the mariner; though other stars may shine equally bright, education is that to which the anxious eye of one adrift upon the wide waste of the ocean of life, turns, for, by its fixed light, the frail bark of humanity cannot be guided astray.

Our peace, prosperity and progress, all rest upon the perpetuation of our system of free schools, and the cultivation of the minds of those who, in a few years, are to hold within their hands the fate of our State. Let the errors of the Past abide with the past. Let us use the Present to bring to the history of the State, the realization of our fondest hopes of the Future.

COMPULSORY EDUCATION.

In the last decade, the subject of universal education has commanded the attention of the ablest statesmen, as well as that of the most experienced educators, and little by little nations have advanced to a more proper appreciation of this potent civilizing influence. Repression of crime, to which the chief energies of philanthropists have long been devoted, promises to become a matter of possibility, under the developed axiom that decrees to a government, the right to demand of its people an amount of intelligence, sufficient to guarantee their knowledge of effects of crime and pauperism, even as laws are enacted, taxing the people for the support of alms houses, jails and houses of correction, or for support of the constabulary, who, by vigilance and activity, hope to control, in a measure, the evils that exist to detriment of the law abiding classes.

The rapid advancement of science and invention; the stupendous enterprises successfully carried out—among them the Suez canal, the Pacific railroad and the Atlantic telegraph—point unerringly to educational progress as the motor controlling the tendencies of our age.

The germ of compulsory education was originally planted in Europe, and has developed a growth that has, very properly, attracted the attention of the civilized world. Nations have been strengthened from its fruit, and America, without a peer in exhibit of inventive talent, has brought to her shores a graft from its stock which promises to yield her, equally beneficial results.

For nearly three hundred years, the laws of Prussia have held within them, the feature of compulsory education; and though at periods in her history it has lacked proper enforcement, the last hundred years have witnessed such earnest application of its salutary effects, that we may rightly deem her present strength, in all the attributes of a great nation, the effect produced from her advocacy of the powerful cause of universal education.

So remarkable and steady has been her advancement, so decided the influences of her educational system upon her prosperity and power, that other nations have essayed to adapt the form to their wants, and with good results.

In 1831, the mind of the philosophic Guizot, of France, turned to the study of the rapidly increasing strength of Prussia, and tracing it to her principle, "intelligence, the internal safeguard of a nation," dispatched Victor Cousin to that country to study the details of the Prussian system, and many of the beneficial provisions of the Prussian law have been incorporated into the educational system of France.

At a later day, (1864) the Austrian government, convinced by the brilliancy of the military achievements of Prussia, of the strength derived from an internal compulsory system of education, gave due weight and consideration to the memorial of the municipal council of Vienna, to the end of securing to her framework of public instruction, the powerful principles embraced in the Prussian law, and the latest Austrian reports, on educational matters, exhibit an array of statistics, in the increased average of intelligence, that argues well for those principles.

Switzerland, teeming with manufactures and arts, with a people, frugal and industrious, has long embraced amongst its most important laws, that of compulsory education. The government is republican in its form, and its permanence and yearly show of prosperity is largely due to the moral and intellectual culture of the people, proceeding from its admirable educational laws. Crime is comparatively unknown; and though of small area, that nation presents a happy illustration of internal peace, and freedom from external encroachments that speaks well for the governing powers of it. Attendance, in that country, upon schools, is obligatory with children of from six to sixteen years of age, unless it can be shown that they are receiving equally good instruction in private schools, or at home. The standard of excellence is prescribed, and so zealously are the interests of all children watched, that those receiving instruction in private institutions, or at home, are compelled to undergo a yearly examination in public, same as the pupils of public schools, and the laws of apprenticeship are framed to suit a demand for intelligence from minors, that leaves no opportunity for spread of illiteracy.

The once powerful Spain is awakening from her lethargic sleep of a century, and has very properly traced her decline to the universal spread of ignorance and illiteracy within her domain. Since 1864, great attention has been paid to her educational system, and an entire third of her revenue, devoted to its advancement. Primary instruction is now gratuitous, and obligatory, and through this instrumentality, fair hopes may be entertained, of her ultimately recovering some of her earlier day prestige.

Russia, previous to the emancipation of the serfs, afforded schools for the nobility only; that system of slavery producing the same

studied desire to keep the masses of the people, "the hewers of wood and drawers of water," from intelligence, and proper understanding of their moral and political duties, that was shown in the Southern States, during the existence of African slavery. Since the fiat that placed millions of serfs in the ranks of freemen, every effort has been made to ameliorate their condition, and the last report on education, from that country, shows eight thousand schools, with one million one hundred and six thousand scholars, fitting themselves to become the units of power in advancing her every interest. Railroads, and internal improvements, mark her rapid advance to the first power of Europe. Her educational system bears the impress of the compulsory law of attendance.

In the statistics of illiteracy in Europe, Bavaria is accredited with the minimum number of persons unable to read and write, the proportion being only five per cent. of its total population. Attendance upon schools is obligatory, and the support of educational institutes very liberal. In marked contrast, to her educational status, is that of England and Wales. Of twenty-one millions of people, reported in the united domain, eight million two hundred and sixty-one thousand adults cannot read or write, though education, in all but adoption of the compulsory feature, has received a fair share of the attention of the governing powers. Belgium, likewise, exhibits an alarming record of illiteracy. Seventy per cent. of its population can neither read or write, and two-thirds of its school population commence the labors of life, without even the rudiments of education, no provision being made for securing an average amount of intelligence. Norway, Sweden and Denmark make the education of children, within their confines, obligatory, and an illiterate Swede, Dane or Norseman, is rarely to be found. In the foregoing, I have briefly given data, connected with compulsory education in Europe, for the purpose of showing the effects produced upon those European powers. In the last ten years, several States of the Union have incorporated obligatory features of attendance of schools in their educational laws, while educators, North and South, in States where the compulsory system does *not* exist, are urgent in their recommendations for its adoption. Massachusetts, Michigan, New Hampshire, Maine and Texas, have taken the lead in this important matter, and within the next few years many other States will follow.

The principles underlying our structure of government, are founded upon the intelligence of the people, in whose hands the balance of power rests. The hope of perpetuity of our Republic, our internal peace and our progress, demand that the twin evils of crime and ignorance be held in check by the moral force of univer-

sal education. Laws are made for the repression of crime, and the good citizen appreciates the safety of his personal and community interests, derived therefrom, and willingly pays his taxes to their support, and gives them due observance.

Is it not in the nature of economy, and in full harmony with the progressive Republican idea, that he should also observe and support a law that looks to the *prevention* of ignorance and crime, and which, at the same time, refines and elevates the minds and hearts of millions? With the statistics of crime and illiteracy in our State, as warning of the shoals over which our ship of State has been strained and weakened, we should be earnest in the support and advocacy of that principle, that strikes at the eradication of our greatest evils.

If evils, in the shape of prisons and reformatory institutions, demand at our hands a support, how much more do we owe to a support of *virtuous laws*, which, rearing the school house, demand that the intelligence and education dispensed therefrom, shall become an attribute of every mind, advancing the moral and intellectual standard, and in proportion repressing vice, ignorance, pauperism and crime.

Sir Thomas Moore, in his great work "Utopia," says: "If you suffer your people to be ill educated, and their manners to be corrupted from their infancy, and then punish them for their crimes, to which their first education disposed them, what else is to be concluded from this, but that you first make thieves, and then punish them?" Such responsibility attaches itself to every State and community where due consideration is not given to enforced education.

Obligatory attendance upon schools, far from being antagonistic to Republican principles, is the pyramidal base, upon which our liberties rest, for ignorance fosters license, license subverts liberty, and the grand idea, that unites our nation, would thus be lost sight of in the chaotic mass of unintelligent purpose, that would attach to our laws, our institutions, and all measures for our safety. Ignorance is the sire of crime, education, the mother of virtues. The one is destructive; the other, a vitalizing force that permeates all society, and ennobles and purifies. All mankind have but the one choice. The progress of the Nineteenth Century should tell us which it shall be.

APPENDIX.

AN ACT TO ORGANIZE AND MAINTAIN A SYSTEM OF PUBLIC FREE SCHOOLS IN THE STATE OF TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Superintendent of Public Instruction shall have supervisory control of all the public free schools in this State, and shall receive a salary of three thousand dollars per annum. He shall keep a record of the number of children in each county of scholastic age, from six to eighteen years of age; apportion the money of the school fund of the State to the several counties according to the scholastic population. He shall keep a correct account of all moneys of the school fund and matters appertaining thereto, and report to the Governor annually, at the close of the fiscal year, the condition of the school fund, distributions of moneys, and such suggestions in regard to the school system as may be deemed advisable. The fiscal scholastic year shall be the same as the fiscal year of treasury. He shall prescribe and furnish all necessary forms for the teachers and all other subordinate officers of the Bureau of Education, and he shall direct the manner and times of making reports by those officers and persons, and shall examine and approve all accounts for compensation of teachers and employes of the Bureau of Education, and for school books and apparatus purchased for public schools before the same shall be paid at the Treasury.

SEC. 2. The Superintendent of Public Instruction, with the approval of the Governor, shall appoint for each judicial district of this State one supervisor of education for such judicial district, who shall hold his office for four years, unless sooner removed. Each supervisor of education shall receive, as compensation, the sum of five dollars per day for the time actually employed in attending to the duties of his office; *provided*, that the total to be paid to any supervisor during any one year shall not exceed the sum of twelve hundred dollars. The supervisors of education may be removed by the Superintendent of Public Instruction, on the approval of the Governor, for incompetency, malfeasance or neglect of duty. The

supervisors of education shall be empowered to lay off and subdivide the counties of their respective judicial districts into school districts, and shall be empowered to appoint five school directors for each school district; but the authority of the supervisors in these respects shall be subject to the control and revision of the Superintendent of Public Instruction. It shall be the duty of the supervisors to enforce, in their respective districts, all rules and regulations adopted by the Board of Education for the government of public free schools in this State.

SEC. 3. The Superintendent of Public Instruction, with the Governor and the Attorney General, shall form a Board of Education for the State. It shall be the duty of this board, subject to the Constitution and laws of this State, to adopt all necessary rules and regulations for the establishment and promotion of public schools; to provide for the examination and appointment of teachers, and to fix their compensation; to define the course of studies in the public schools, and direct the class and kind of apparatus and books to be used therein; to prescribe the duties of the boards of directors, and generally do all things not inconsistent with the Constitution and laws of this State necessary to establish and maintain a system of public free schools; *provided*, that the Board of Education for this State shall prescribe no rule or regulation that will prevent the directors of the school districts from making any separation of the students that the peace and success of the school and the good of the whole may require.

SEC. 4. The Board of Education for the State shall report for action of the Legislature, from time to time, such amendments of the school laws of this State as may be found necessary, stating in their report the facts and reasons which, in their opinion, render necessary such proposed amendments.

SEC. 5. The available school fund, liable to appropriation for the support of public schools, is hereby declared to be all interest which has accrued, or may hereafter accrue, to the school fund from railroads or otherwise, since the thirtieth day of March, 1870, one-fourth of all the *ad valorem* and occupation taxes assessed since that date, and such other taxes as have been or may be provided by law for the support of public schools. Accounts against this available school fund shall be paid out of any part of it that may be in the Treasury, on appropriation therefor by the Legislature. The directors of each school district shall have authority to levy a tax of not exceeding one per cent. for the purpose of building school houses and maintaining schools in their respective school districts; and the manner of the collection and disbursement of this tax shall be prescribed by the Board of Education for the State.

SEC. 6. The board of school directors shall require the attendance on the public schools of their respective districts, of all the scholastic population thereof, for a term of at least four months of each and every year; and should any of said scholastic population neglect or refuse to attend said schools, each and every parent or guardian of such child or ward neglecting or refusing to attend shall be deemed guilty of a misdemeanor, and upon trial and conviction thereof before any court of competent jurisdiction, shall be fined in a sum not to exceed twenty-five dollars for each and every such offense, and shall pay the costs of the prosecution; and all moneys collected for fines, under the provisions of this section, shall be paid into and become a part of the public school fund of the district where the penalty was incurred; *provided*, that when any child or ward of scholastic age may be shown to have received regular instruction from any private teacher having a proper certificate of competency, or when it may be shown that said child or ward was prevented by ill health from attending school, or that there was no public school within three miles of the residence of said child or ward, or that said absence was caused by reason of danger from hostile Indians—this shall exempt them from the operation of the penalty contemplated by this section; *and further provided*, that nothing in this act shall be so construed as to compel the attendance of a child under ten years of age on the public free schools when there is no school established within one mile of the residence of said child or ward.

SEC. 7. That all laws and parts of laws not consistent with this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 24, 1871.

AN ACT SUPPLEMENTARY TO AND AMENDATORY OF AN ACT ENTITLED "AN ACT TO ORGANIZE AND MAINTAIN A SYSTEM OF PUBLIC FREE SCHOOLS IN THE STATE OF TEXAS," APPROVED APRIL 24, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the second section of the above recited act be so amended as hereafter to read as follows, viz:

Clause First—The Board of Education shall upon the passage of this act, proceed to apportion anew the territory of this State into convenient educational districts, not to exceed twelve in number; *provided*, that nothing in this clause shall be construed as to pro-

hibit said board hereafter from consolidating or otherwise changing or altering the boundaries of said districts for educational purposes.

Clause Second—And as soon as the educational districts contemplated in the foregoing clause, shall be created, it shall be the duty of the Superintendent of Public Instruction to retire or relieve from duty each supervisor of education heretofore appointed and commissioned as such; and the said Superintendent is hereby authorized to appoint, with the approval of the Governor, for each newly created district, one supervisor of education, who shall hold his office for the term of four years from the date of his commission, unless sooner removed by said Superintendent for cause, on the approval of the Governor; and the supervisor may act as examiner of teachers.

Clause Third—And each supervisor so appointed shall receive for his services, out of any moneys belonging to the available school fund not otherwise appropriated, first, a salary of eighteen hundred dollars per annum; second, all expenses for postage; and third, all traveling expenses necessarily incurred while employed in the actual discharge of the duties of his office; *provided*, that the amount of the above mentioned expenses shall not exceed the sum of two hundred dollars, on voucher to be approved by the Superintendent of Public Instruction, during any one scholastic year.

Clause Fourth—And the supervisors herein provided for shall be empowered to lay off and sub-divide the counties in the territory under their jurisdiction into convenient school districts; and they shall also appoint, on the approval of the Superintendent of Public Instruction, five directors for each school district; but the authority of the said supervisors in the management, control, and oversight of their respective districts shall be subject to the control, direction and revision of the said Superintendent; and it shall be the further duty of the said supervisors to enforce, in their respective districts, all rules and regulations adopted by the Board of Education for the government of the public free schools in this State.

SEC. 2. *Be it further enacted*, That the unexpended balance of the deficiency appropriation for the scholastic year ending on the thirty-first day of August, 1871, be and the same is hereby added to and made a part of the appropriation for the scholastic year ending thirty-first day of August, 1871,* and to be apportioned as required by section one of the above cited act.

SEC. 3. That the Superintendent of Public Instruction, with the

*NOTE BY THE SECRETARY OF STATE.—It appears from the journal of the Senate that the figures "1871," where they occur the second time in section two of this act, should be "1872."

approval of the Governor, shall make requisition from time to time for such sums of money as may be necessary to pay the teachers and employes of the Bureau of Education, out of any funds in the Treasury appropriated for that purpose, which shall be sufficient authority for the Comptroller to issue a warrant therefor, and the Superintendent of Public Instruction shall, on disbursing each requisition, file his vouchers with the Comptroller of Public Accounts.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved November 29, 1871.

CIRCULARS BY THE BOARD OF EDUCATION AND SUPERINTENDENT
OF PUBLIC INSTRUCTION, STATE OF TEXAS.

OFFICE OF BOARD OF EDUCATION, }
STATE OF TEXAS, }
AUSTIN, September 11, 1871. }

I. Sheriffs are hereby directed to turn over, monthly, to the treasurers of the boards of directors of their respective counties, moneys collected by them of the one per cent. levy made by school directors of their counties, and report to the Superintendent of Public Instruction, the amount so collected and transferred.

II. Treasurers of the boards of school directors will make, to the office of the Superintendent of Public Instruction, monthly reports of moneys received by them from the sheriffs of their respective counties, and the amount expended by them.

E. J. DAVIS,
Governor.

WILLIAM ALEXANDER,
Attorney General.

J. C. DE GRESS,
Supt. of Public Instruction.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
 STATE OF TEXAS. }
 AUSTIN, October 7, 1871. }

I. No teacher of a public free school will be paid for a higher grade than the third class, unless the school has been graded and classified by a supervisor, State examiner, or principal of public schools, in accordance with instructions from this office.

II. Payments will be made to teachers to the *end* of a *calendar* month, and no oftener than monthly. But in a month that a school may close, or a teacher be discharged, the few days for which pay may be due can be included in the account for the preceding month. Great care should be exercised in making out accounts correctly for services rendered, so that the necessity for returning them from this office may be avoided.

In calculating the amount due for services, thirty days are considered a month, whether the month consists of twenty-eight, twenty-nine, thirty, or thirty-one days; i. e.: from October 1, to October 31, inclusive, thirty days. In calculating the amount due for a fractional part of a month, it will be by thirtieths; i. e.: from September 4 to September 30, inclusive, twenty-seven days, at seventy-five dollars per month, (27-30 of \$75,) \$67 50. From October 4 to October 31, inclusive, twenty-seven days, at seventy-five dollars per month, (27-30 of \$75,) \$67 50. From February 4 to February 29, inclusive, twenty-seven days, at seventy-five dollars per month, (27-30 of \$75,) \$67 50.

In order that an account may be collected at the State Treasury, it is necessary that the creditor appear in person, or authorize some one at the capital to act as agent by power of attorney duly acknowledged before a notary public, or a clerk of a district court, to which power a fifty cent internal revenue stamp must be affixed. One power of attorney can be made to suffice for any number of payments.

J. C. DE GRESS,
 Supt. of Public Instruction, State of Texas.

ADDITIONAL RULES ADOPTED BY THE BOARD OF EDUCATION, STATE
OF TEXAS, OCTOBER 16, 1871.

Title IV—Rules for the Government of Public Schools.

Rule 33—An additional grade of school is hereby added to the public free schools in this State, to be denominated the fourth class, in which shall be taught spelling, reading and writing.

Rule 34—Rule eighteen, Title IV, Rules for the Government of Public Schools, is hereby amended to read, from and after November 1, 1871, as follows:

“A teacher shall receive a salary according to assignment for every month's labor as follows: Fourth class (\$35) thirty-five dollars; third class (\$50) fifty dollars; second class (\$75) seventy-five dollars, and first class (\$100) one hundred dollars.

“The Superintendent is authorized in special cases to increase these salaries, not to exceed the old rates of (\$75) seventy-five dollars for third class; (\$90) ninety dollars for the second class, and (\$110) one hundred and ten dollars for the first class.”

EDMUND J. DAVIS,
Governor.

WILLIAM ALEXANDER,
Attorney General.

J. C. DE GRESS,
Supt. Public Instruction.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
STATE OF TEXAS, }
AUSTIN, October 26, 1871. }

I. Supervisors will report punctually on the last day of each month the public free schools in their districts, stating the name of each teacher, postoffice address, class of certificate held, to what class assigned, number of pupils of each class in actual attendance, date of opening school, and any other matter of interest connected with the schools. Teachers will not be paid until such reports are received at this office; neither will they receive first, second or third class pay, as established by rule thirty-four, title four, “Rules for the government of public schools,” adopted by the Board of Education, October 16, 1871, unless the schools in which they are

teaching, warrant the pay upon a strict construction of section eight, of circular of August 21, 1871. The number of pupils in *actual attendance* will be given, and not the number, of scholastic age, which may reside within a reasonable distance of the schools. In grading schools and classifying teachers, supervisors will be guided by rule thirty-one, title four, "Rules for the government of public schools," and until otherwise instructed, may include pupils of the fourth class with those of the third class, reporting both as third class. Great care will be exercised that the classification of teachers and number of pupils are correctly given, and supervisors are required to visit the schools in their districts as often as possible to learn their condition and advancement.

II. Supervisors are authorized to re-examine teachers holding certificates and to recommend them for a higher or lower grade, as they may be found qualified. It is made their duty to do so when convinced that teachers are incompetent to hold the certificates already issued, and such teachers, whether re-examined or not, will be assigned only to the pay of the class that they are deemed competent to fill. Teachers now holding third class assignments, who are not competent for the position, will be assigned immediately to the fourth class. This provision will be strictly complied with.

III. Applicants for teachers' certificates will be examined in the following branches, viz. :

Fourth Class—Orthography, reading, penmanship, primary geography and practical arithmetic through the fundamental rules.

Third Class—Orthoepy, orthography, reading, penmanship, geography, mental arithmetic, practical arithmetic, English grammar, history of the United States, and theory and practice of teaching.

Second Class—The branches of the third class, and higher arithmetic, English composition, modern history, physical geography and Constitution of the United States.

First Class—The branches of the second class, and algebra, geometry, natural philosophy, elocution, rhetoric, ancient history, anatomy, physiology and hygiene, Latin grammar, Latin reader and Cæsar.

Examinations of applicants for teachers' certificates will be thorough and rigid, except those for the fourth class. Supervisors will not examine applicants for first class certificates unless specially authorized.

IV. When a school consists of at least fifteen more pupils than the minimum number prescribed for one or more teachers, as provided in section eight, of circular of August 21, 1871, and has not a sufficient number to warrant the full payment of another teacher, a teacher may be assigned with the pay of \$1.50 per month for each

pupil over the minimum number in actual attendance during the month; but such teacher will be employed only for the time the extra number of the pupils will warrant it. This provision will not be so construed as to allow the assistant teacher more than the pay of the third class, nor any teacher additional pay for services rendered.

V. Teachers, whose schools number less than thirty-five pupils, will not be paid to exceed \$1 50 per month for each pupil in actual attendance, and their accounts will be made out and certified accordingly; *provided*, that the compensation of a teacher shall not be less than the pay of the fourth class, when such teacher has been properly assigned, in a neighborhood where there is no public free school within a radius of three miles. By "actual attendance," is meant those who have been present at least a portion of the month, precluding any that may have been enrolled during the term, and afterwards suspended, or who may have left school for other cause, previous to the first day of the month, for which pay is claimed.

J. C. DEGRESS,

Supt. of Public Instruction, State of Texas.

ADDITIONAL RULES, ADOPTED BY THE BOARD OF EDUCATION, STATE OF TEXAS, DECEMBER 11, 1871.

Title III—Boards of Directors.

Rule 25—The Rules and Regulations adopted by the Board of Education of the State of Texas, are hereby amended by substituting the word "educational" wherever the word "judicial" appears.

Rule 26—Rule 22, Title III, Boards of Directors, is amended by adding the following: "But when an account is approved by the Superintendent of Public Instruction of the State, it will be sufficient authority for the president and secretary of the board to draw their warrant on the treasurer of the board of directors for the amount of the approved account, without returning the same to the office of the Superintendent of Public Instruction."

Title IV—Rules for the Government of Public Schools.

Rule 35—Rule 20, Title IV, Rules for the Government of Public Schools is amended so as to read hereafter as follows: "Teachers and

principals will forward their vouchers, with letters of transmittal, through a member of the board of school directors of their respective districts. If the vouchers are correct such member will so certify on the vouchers. Should there be any stoppages against a teacher or a principal forwarding his vouchers, or should he or she be suspended at such time, the supervisor will so state on the letter of transmittal."

EDMUND J. DAVIS,
Governor,
WILLIAM ALEXANDER,
Attorney General.
J. C. DE GRESS,
Supt. Public Instruction.

EXHIBIT A.

LIST OF SUPERVISORS OF JUDICIAL DISTRICTS WITH DATE OF APPOINTMENT, AND COUNTIES EMBRACED IN THEIR DISTRICTS.

W. G. Nolan, First District, appointed May 30, 1871, discharged January 1, 1872—Liberty, Hardin, Orange, Jefferson and Chambers.

Edward Finck, Second District, appointed May 30, 1871, discharged January 1, 1872—Polk, Tyler, Jasper and Newton.

Elias Smith, Third District, appointed July 1, 1871, declined.

A. T. Monroe, Third District, appointed July 4, 1871, discharged January 1, 1872—Houston, Trinity and Angelina.

G. W. Lane, Fourth District, appointed May 30, 1871, discharged January 1, 1872—Cherokee, Nacogdoches and San Augustine.

J. O. Stevenson, Fifth District, appointed May 30, 1871, declined.

W. M. Waddell, Fifth District, appointed July 10, 1871, discharged January 1, 1872—Panola, Shelby and Sabine.

J. J. Cary, Sixth District, appointed May 30, 1871, discharged January 1, 1872—Rusk and Harrison.

W. C. Towers, Seventh District, appointed May 30, 1871, discharged January 1, 1872—Marion, Titus and Davis.

James Walker, Eighth District, appointed May 30, 1871, discharged September 30, 1871,—Lamar, Delta, Red River and Bowie.

W. A. Ellett, Eighth District, appointed October 11, 1871, discharged January 1, 1872.

- John A. Comerford, Ninth District, appointed May 30, 1871, discharged November 3, 1871—Smith, Rains, Wood and Upshur.
- C. W. Stocker, Ninth District, appointed October 24, 1871, discharged January 1, 1872.
- John L. Brantley, Tenth District, appointed May 30, 1871, discharged January 1, 1872—Kaufman, Van Zandt, Henderson and Anderson.
- Samuel J. Galbraith, Eleventh District, appointed May 30, 1871, discharged January 1, 1872—Fannin, Collin, Hunt and Hopkins.
- H. H. Ribble, Twelfth District, appointed May 30, 1871, discharged January 1, 1872—Grayson, Cook, Wise, Montague, Denton, Clay, Archer, Wichita, Baylor, Wilbarger, Hardeman and Knox.
- Aaron Grigsby, Thirteenth District, appointed May 30, 1871, declined.
- W. Frank Carter, Thirteenth District, appointed July 6, 1871, discharged January 1, 1872—Johnson, Hood, Parker, Palo Pinto, Jack, Young, Stephens, Eastland, Callahan, Shackelford, Throckmorton, Taylor, Jones and Haskell.
- Geo. Doolittle, Fourteenth District, appointed May 30, 1871, declined.
- John N. Shafter, Fourteenth District, appointed July 10, 1871, discharged August 8, 1871—Dallas, Ellis and Tarrant.
- David Mackay, Fourteenth District, appointed August 8, 1871, discharged January 1, 1872.
- Henry Haupt, Fifteenth District, appointed May 30, 1871, discharged July 15, 1871—Cameron, Hidalgo, Starr, Zapata, Encinal, Webb and Lasalle.
- David Mackay Fifteenth District, appointed August 1, 1871, discharged August 8, 1871.
- Raphael Cabanas, Fifteenth District, appointed October 9, 1871, discharged December 12, 1871.
- L. M. Brown, Sixteenth District, appointed May 30, 1871, discharged August 11, 1871.
- Ed. S. Roberts, Sixteenth District, appointed August 11, 1871, discharged January 1, 1872—Victoria, Nueces, Duval, San Patricio, Refugio and Calhoun.
- W. S. Campion, Seventeenth District, appointed May 30, 1871, discharged January 1, 1872—Bee, Goliad, Karnes, Wilson, Live Oak and McMullin.
- Wm H. Griffin, Eighteenth District, appointed May 30, 1871, discharged January 1, 1872—Galveston and Brazoria.
- J. R. Morris, Nineteenth District, appointed May 30, 1871, Declined.

- Erastus Carter, Nineteenth District, appointed June 19, 1871 discharged September 30, 1871—Harris and Montgomery.
- Henry Cline, Nineteenth District, appointed October 11, 1871, discharged January 1, 1872.
- H. H. Russell, Twentieth District, appointed May 30, 1871, discharged January 1, 1872—Lavaca, Jackson, Wharton and Matagorda.
- J. H. Balwin, Jr., Twenty-first District, appointed June 19, 1871, discharged January 1, 1872—Colorado, Austin and Fort Bend.
- W. D. Carey, Twenty-second District, appointed May 30, 1871, discharged January 1, 1872—Caldwell, Guadalupe, Gonzales and DeWitt.
- David Bell, Twenty-third District, appointed May 30, 1871, resigned. *
- Jacob Wagner, Twenty-third District, appointed December 26, 1871, discharged January 1, 1872—Bexar.
- T. L. Buckner, Twenty-fourth District, appointed May 30, 1871, discharged November 30, 1871—Bandera, Medina, Uvalde, Kinney, Maverick, Zavalla, Frio, Atascosa and Dimmit.
- Edmund Stine, Twenty-fifth District, appointed May 30, 1871, discharged June 24, 1871—El Paso and Presidio.
- Chas. Kerber, Twenty-fifth District, appointed November 22, 1871, discharged January 1, 1872.
- J. Brodbeck, Twenty-sixth District, appointed May 30, 1871, discharged January 1, 1872—Gillespie, Blanco, Comal, Kendall, Kerr, Kimble, Edwards, Mason and Menard.
- E. M. Wheelock, Twenty-seventh District, appointed May 30, 1871, discharged July 10, 1871—Travis, Bastrop and Hays.
- John N. Shafter, Twenty-seventh District, appointed August 8, 1871, discharged January 1, 1872.
- A. W. Leedom, Twenty-eighth District, appointed May 30, 1871, discharged January 1, 1872—Brazos, Burleson and Milam.
- J. G. Lieb, Twenty-ninth District, appointed May 30, 1871, discharged January 1, 1872—Washington and Fayette.
- J. J. Reinhardt, Thirtieth District, appointed June 19, 1871, discharged January 1, 1872—Grimes, Madison, Walker and San Jacinto.
- S. A. Waldron, Thirty-first District, appointed May 30, 1871, discharged September 11, 1871—Robertson, Leon and Freestone.
- J. H. Cunningham, Thirty-first District, appointed September 22, 1871, discharged January 1, 1872.
- W. K. Foster, Thirty-second District, appointed May 30, 1871, discharged October 31, 1871—Williamson, Burnet, Llano, Lampassas, San Saba, McCulloch, Concho and Brown.

Robt. Masterson, Thirty-second District, appointed November 1, 1871, discharged January 1, 1872.
 J. H. Townsend, Thirty-third District, appointed May 31, 1871, discharged January 1, 1872—McLennan, Falls and Limestone.
 Sam Houston, Thirty-fourth District, appointed July 12, 1871, discharged December 15, 1871—Bell, Coryell, Hamilton, Comanche, Erath, Runnels and Coleman.
 Thos. Ford, Thirty-fifth District, appointed May 30, 1871, discharged January 1, 1872—Bosque, Hill and Navarro.

EXHIBIT B.

RULES AND REGULATIONS FOR PUBLIC SCHOOLS.

Title I—Board of Education.

Rule 1—The Board of Education shall meet quarterly, viz.: the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December, at 12 o'clock M., at the office of the Superintendent of Public Instruction, or such other time or place as the board may direct; and special sessions may be called by any member of the Board.

Rule 2—The business of the Board shall be transacted in the following order:

1. The reading of the record of the last meeting.
2. The reading of all communications addressed to the Board, or which may be called to the attention of the Board by the Superintendent.
3. Reports of supervisors requiring the action of the Board.
4. Appeals by teachers, pupils or other persons.
5. Unfinished and new business.

Rule 3—All members of the Board must vote on all questions, and the yeas and nays shall be called and recorded if demanded by one member.

Title II—Supervisors.

Regulation 1—A person receiving an appointment as supervisor of a judicial district shall at once subscribe to the oath of office as required by section one, article twelve, of the Constitution of Texas; the said oath to be forwarded through the office of the Superintendent to the Secretary of State.

Regulation 2—Supervisors, after making appointments of school directors, will forward copies of the same to the Superintendent for his approval.

Regulation 3—When a person makes application to a supervisor for examination as a teacher, the supervisor shall, before ordering such person before a board of examination, furnish such applicant a copy of the rules and regulations governing public schools in this State; and if said applicant passes the Board, he or she must, before taking the teacher's oath, subscribe to the above named rules.

Regulation 4—At the close of each scholastic year, supervisors will ascertain and report to the Superintendent, the names of all teachers who desire to continue their labors for another year, so that their certificates may be renewed.

Regulation 5—A supervisor, upon receiving information from school directors, or otherwise, that any teacher in his district has treated a pupil in a harsh or cruel manner, shall at once direct the school directors, in whose district such occurrence took place, to inquire into the facts of the case, and forward their report through him to the Superintendent.

Regulation 6—When an application for a leave of absence is received by a supervisor from a teacher, and endorsed by the president of the board of school directors of the school district where such teacher is on duty, the supervisor will forward the application with an endorsement of approval or disapproval, and such other facts as he may deem appropriate.

Regulation 7—Immediately after receiving the last quarterly reports of teachers of their districts at the end of the scholastic year, supervisors will consolidate such reports and forward them to the Superintendent on or before the thirty-first day of July.

Regulation 8—Supervisors will consolidate all reports made to them by school directors, in obedience to rule No. 12, Title III, Boards of Directors, immediately after they are received, and forward them to the Superintendent.

Regulation 9—Supervisors, upon receiving the check books of the different teachers of their judicial districts, will forward to the Superintendent the names of all persons of scholastic age who have not attended school for four months, as provided in section six of "An Act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871.

Title III—Boards of Directors.

Rule 1—Directors of school districts, before exercising the functions of their office, will subscribe to the oath required by section

one, article twelve, of the Constitution of the State of Texas, and forward the same to the Superintendent.

Rule 2—The board of directors of each school district shall, immediately after they have transmitted their oaths of office to the Superintendent, organize by electing a president and secretary, forwarding the names of the persons elected through the supervisor to the Superintendent for approval.

Rule 3—After the organization of the Board of Directors has been effected, they will proceed to levy the tax as prescribed in section five of "An Act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871.

Rule 4—The tax levied by school directors of each school district of the different counties, shall be collected by the sheriff of each county, and by him deposited with the county treasurer, subject to the order of the school directors in whose school district the money may be collected, on approval of such order by the Superintendent, and said money shall not be paid out by any county treasurer except in accordance with the rules and regulations of the State Board of Education.

Rule 5—School moneys shall be drawn from the county treasurer by the school directors when needed to make disbursements, upon a requisition signed by the secretary, countersigned by the president of the board of school directors and approved by the Superintendent.

Rule 6—It shall be the duty of school directors to select sites on which to build school houses in their respective districts immediately after they have levied the tax as prescribed by rule No. 3.

Rule 7—After having selected sites they will send information through the supervisor to the Superintendent, giving the number of children who live in the neighborhood of the different sites, and who will have to attend school at each place, and such other information as may be necessary to enable the Superintendent to send them plans for the different school houses to be built.

Rule 8—After receiving the plans for each school house, school directors will advertise in the official paper of their respective judicial districts and the STATE JOURNAL at Austin, inviting bids for building different school houses—a blank form for which will be furnished from the office of the Superintendent. The cost of such advertisements to be paid out of the funds collected from the special tax levied by said school directors.

Rule 9—No contract made by school directors for building school houses will be carried into execution until the same has been approved by the Superintendent.

Rule 10—School directors shall have control of the school houses of their respective districts, except in cases where the control has

been or may be delegated to other officials under the rules and regulations of the State Board of Education.

Rule 11—It shall be the duty of school directors to see that the school houses of their respective school districts are properly ventilated.

Rule 12—School directors will make bi-monthly reports of the schools in their districts, through the supervisor to the Superintendent, as to the efficiency of the teachers, the progress of the pupils, and their general condition.

Rule 13—School directors will make a report at the end of each scholastic year, to the supervisor of their respective districts, of all persons of scholastic age who have not complied with the provisions of section six of "An act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871.

Rule 14—Whenever it may come to the knowledge of any school director that a teacher has inflicted harsh or cruel punishment on any pupil, such director will at once report the facts to the supervisor of his judicial district.

Rule 15—When a teacher makes application to the Superintendent for a leave of absence, the president of the board of school directors of the school district where the teacher is then on duty, will forward such application to the supervisor of the judicial district with an endorsement either approving or disapproving such application, and make such other remarks as he may deem necessary to enable the Superintendent to act in the case with the facts before him.

Rule 16—School directors will establish their own rules with reference to the time and place of their meeting, also the transaction of their general business, subject, however, to the approval of the supervisor of their respective districts.

Rule 17—In counties where assessors have already levied the tax of one-eighth of one per cent., as prescribed by section eight of "An act to give effect to the several provisions of the Constitution concerning taxes," approved April 22, 1871, school directors will levy a tax of seven-eighths of one per cent., under section five of "An act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871, so that the whole tax levied for school purposes shall be one per cent.—one-fourth of the tax levied by school directors to be collected on or before September 1, 1871, and the balance in three equal amounts, within three, six and nine months from September 1, 1871.

Rule 18—The board of directors at each county seat, after qualifying and organizing in accordance with rules Nos. 1 and 2, Title III, Boards of Directors, will elect one member of its body as treasurer, who shall receive and disburse for the board of directors

of which he is a member, all moneys coming into his hands from the levy made by school directors, in compliance with rule No. 29, Title IV, Rules for the Government of Public Schools, and such treasurer shall receive in payment for such service the same commission now allowed by law to county treasurers for like duty. The name of such person shall be submitted to the Superintendent of Public Instruction, for approval.

Rule 19—The person elected treasurer of a board of directors shall give a bond, with two good sureties, payable to the Governor of the State of Texas, in such a sum as the Superintendent of Public Instruction may direct, a blank form of which will be furnished from the office of the Superintendent. Such bond shall be submitted to the judge of the judicial district in which such board is acting, for his certificate as to the responsibility of the sureties to carry out the provisions of said bond.

Rule 20—It shall be the duty of each board of directors, whenever its treasurer shall have, at any time, in his possession a sum amounting to more than two-thirds of the amount of his bond, to have the amount in his hands in excess of said two-thirds forwarded to the Treasury of the State of Texas for safe keeping until necessary for disbursement; but such treasurer shall not receive any additional fee for sending to or receiving from the State Treasury any amount therein deposited under this rule.

Rule 21—Rule No. 4, Title III, Boards of Directors, is hereby amended so as to read hereafter as follows, viz: "Rule No. 4. The tax levied by the school directors of each school district of the different counties shall be collected by the sheriff of each county, and by him deposited with the treasurer of the board of directors of his county, subject to the order of the school directors in whose school district the money may be collected, on approval of said order by the Superintendent; and said money shall not be paid out by any treasurer except in accordance with the rules and regulations of the State Board of Education."

Rule 22—Rule No. 5, Title III, Boards of Directors, is hereby amended so as to read hereafter as follows, viz: "Rule No. 5; School moneys shall be drawn from the treasurer of the board by the school directors when needed to make disbursements, upon a requisition made by the secretary, countersigned by the president of the board of school directors and approved by the superintendent.

Rule 23—Any county treasurer having money under his charge collected under the provisions of section three of "An Act to establish a system of public free schools in the State of Texas," approved August 13, 1870, shall turn the same over to the treasurer of the board of school directors of his county, taking his receipt therefor,

when said treasurer presents to him a communication from the office of Superintendent of Public Instruction, to the effect that his bond has been received and accepted by the Governor; and until such time a county treasurer holding such money will disburse it under the same rules and restrictions as are now prescribed for treasurers of boards of directors.

Title IV—Rules for the Government of Public Schools.

Rule 1—The scholastic year shall commence on the first Monday in September and continue until the thirtieth day of June, exclusive of the Christmas holidays, and shall be divided into three terms, of thirteen weeks each.

Rule 2—A school month shall be twenty-one days in short months, and twenty-two days in long months, exclusive of the first and last days of each week.

Rule 3—All schools shall have two daily sessions, the first to commence at 9 o'clock A. M., and close at 12 M.; the second shall commence at 1 o'clock P. M., and close at 4 P. M. A recess of 30 minutes shall be allowed during each session, and during such recess the teacher shall be held responsible for any disturbance among the pupils.

Rule 4—All National or State holidays shall be school holidays.

Rule 5—There shall be for the present three grades of schools, denominated, respectively, the first, second and third classes.

Rule 6—The branches taught in third class shall be spelling, reading and writing; in the second class, reading, writing, orthography and arithmetic; in the first class, orthography, reading, writing, arithmetic, grammar, geography and history—especially that of the United States and the State of Texas, as soon as one of this State can be procured.

Rule 7—In schools for girls, whenever practicable, two half days in each week shall be devoted to teaching in needle work, the teacher to have authority to name the days.

Rule 8—A public examination of all the schools shall be held once a year, at such time as the district supervisor may direct, with the approval of the Superintendent.

Rule 9—Any person applying for an office, or desiring to become a teacher in this department, must be well endorsed, and possess the following qualifications: First, a good moral character; second, competency; third, temperate habits; fourth, belief in a Supreme Being.

Rule 10—It shall be the duty of each supervisor to examine any person making application for an examination as teacher for either

a public or private school in his judicial district, and if such person pass a satisfactory examination the supervisor shall issue to the applicant a certificate stating the class he or she may be qualified to teach. The supervisor will forward to the Superintendent a statement as to the qualification of the applicant in each branch examined, with the appropriate recommendation in the case, so that a regular certificate may be issued to such person.

Rule 11—A board of examination, consisting of three persons, shall be established at Austin for the examination of applicants for first class certificates; they shall hold their sessions whenever called together by the Superintendent, and shall receive (\$6) six dollars per day while actually performing such duty.

Rule 12—Applicants for a first class certificate will make written application to the Superintendent, through the supervisor of their district, to be ordered before the board of examination at Austin. If their request is favorably considered, and they pass such examination and are recommended by the board, they will then receive a certificate of the first class, and be assigned to duty whenever a vacancy occurs.

Rule 13—Any person having been examined by a supervisor for a certificate of the second or third class as teacher, and been rejected by him, shall have authority to appeal to the Superintendent, and if such appeal is favorably considered such person may be ordered before the board at Austin, Texas, or before such other authority, for examination, as may be designated by the Superintendent.

Rule 14—The Superintendent shall have authority to order any teacher of a Public Free School in this State before the board of examination at Austin, Texas, or before such other authority, for examination, as may be designated by the Superintendent.

Rule 15—When there are more than three schools in one school house, or whenever deemed necessary by the Superintendent, he may appoint a principal, whose duty it shall be to examine the different classes at least once a month, and report the result of such examination to the Superintendent and supervisor; the principal is also to have charge of the school house, the grounds and all other property appertaining to the schools.

Rule 16—Principals will be permitted, with the approval of the Superintendent, to arrange the details of the internal government of their schools, provided such government is not contrary to the rules and regulations of the Board of Education, and to the "Act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871.

Rule 17—Principals of schools, colleges, etc., shall subscribe to

the following oath of office : "I do solemnly swear (or affirm) that I will honestly and faithfully support the Constitution and laws of the United States, and of the State of Texas; that I will endeavor to inculcate in the minds of youth, sentiments of patriotism and loyalty to the government of the United States, and of the State of Texas, and will fully, faithfully and impartially perform the duties of a principal to the best of my ability, so help me God." The said oath to be forwarded to the office of the Superintendent.

Rule 18—A teacher who holds a certificate of the third class shall receive for every month's labor (\$75) seventy-five dollars, of the second class (\$90) ninety dollars, and of the first class (\$110) one hundred and ten dollars; *provided*, that no teacher shall receive pay for a higher grade than that actually taught.

Rule 19—A principal shall receive for every month's labor, from (\$115) one hundred and fifteen dollars to (\$150) one hundred and fifty dollars, according to the number of schools under his or her direction.

Rule 20—When teachers and principals are paid from the State Treasury, they will forward their vouchers with a letter of transmittal, through the president of the board of school directors of their respective districts, and the supervisor of their judicial district. If the vouchers are correct, the president will so certify on the vouchers. Should there be any stoppages against a teacher or a principal forwarding his vouchers, or should he or she be suspended at such time, the supervisor will so state on the letter of transmittal.

Rule 21—The supervisor shall have authority to suspend a teacher, but will immediately after such suspension report the facts of the case to the Superintendent for his action.

Rule 22—County treasurers will report, at the end of each scholastic year, through the supervisor to the Superintendent, all moneys received for fines under the provisions of section six of "An act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871.

Rule 23—The Superintendent of Public Instruction is hereby authorized to rent suitable rooms or houses, for temporary use, for the establishment of schools when and wherever he may deem it necessary.

Rule 24—The Superintendent of Public Instruction shall provide a seal for his office, with which, in connection with his own signature, to authenticate copies of decisions, acts or documents; which copies so authenticated, shall be of the same force as the original.

Rule 25—Whenever sites or other property are purchased by school directors for school purposes, such property will be deeded to

the school directors and their successors in office, in whose school districts such property may be situated.

Rule 26—Boards of directors of school districts shall levy a tax of one per cent. as provided for by section five of "An Act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871; said levy to be made on the assessment rolls of the tax assessors of their respective school districts, and collected and deposited as provided in rule No. 4, "Title III, Boards of Directors."

Rule 27—The Superintendent of Public Instruction is hereby authorized to establish for the examination of teachers, boards of examination, when and wherever he may deem it necessary; and each member comprising such boards shall be entitled to receive six dollars per day, while actually performing such duty.

Rule 28—Boards of examination shall be convened by the Superintendent of Public Instruction, or under his authority, and shall receive pay upon vouchers furnished by the Superintendent, said vouchers to be approved by the Superintendent before payment is made.

Rule 29—In accordance with section three of "An Act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871, the following named books, etc., shall be used in all public free schools in the State of Texas, viz:

Readers and Spellers.

Watson's Independent First Reader.
 Watson's Independent Second Reader.
 Watson's Independent Third Reader.
 Watson's Independent Fourth Reader.
 Watson's Independent Fifth Reader.
 Watson's Elementary Speller.

Geographies.

Monteith's First Lessons in Geography.
 Monteith's Manual of Geography.
 McNally's Complete Geography.
 Cornell's Physical Geography.

Grammars.

Clark's First Lessons in Grammar.
 Clark's Normal Grammar.

Mathematics.

Quackenbos' Primary Arithmetic.
 Quackenbos' Mental Arithmetic.
 Quackenbos' Practical Arithmetic.
 Perkins' Elements of Algebra.
 Perkins' Elements of Geometry.
 Perkins' Plane Trigonometry.

Composition and Rhetoric.

Quackenbos' First Lessons in Composition.
 Quackenbos' Rhetoric.

History.

Barnes' History of the United States.

Miscellaneous.

Steele's Fourteen Weeks Course in Philosophy.
 Steele's Fourteen Weeks Course in Chemistry.
 Steele's Fourteen Weeks Course in Astronomy.
 Steele's Fourteen Weeks Course in Geology.

Penmanship.

Payson, Dunton and Scribner's Copy Books.

Maps, Tablets, Etc.

Monteith's Wall Maps—eight numbers.
 Monteith's Outline Maps, seven numbers.
 National School Tablets.
 Harper & Bro.'s Slates.

Rule 30—The Superintendent of Public Instruction is charged with the duty of having the books, etc., adopted by the Board of Education, distributed through the State in such a way that all persons of scholastic age can be supplied by the first Monday of September, 1871.

Rule 31—Rule 6, Title IV, "Rules for the government of public schools," is amended so as to read hereafter as follows, viz.: The branches taught in the third class shall be orthography,

reading, penmanship, geography and primary arithmetic; in the second class, orthography, reading, penmanship, higher geography, mental and practical arithmetic, elementary English grammar, and history of the United States; in the first class, orthography, reading, penmanship, mental and higher arithmetic, English grammar, English composition, modern history, physical geography, Constitution of the United States, and any branches of a higher grade that pupils may be competent to study.

Rule 32—Teachers will be permitted to teach the German, French and Spanish languages in the public schools of this State, provided the time so occupied shall not exceed two hours each day.

Title V—Teachers.

Regulation 1—A person desiring to teach a school in this State must apply in writing to the supervisor of the judicial district where he or she may desire to teach. If passed favorably by the supervisor or board of examination, he or she can be assigned to a school at once, but shall receive no pay until a teacher's certificate is issued to him or her by the Superintendent, or under his authority.

Regulation 2—No teacher shall be permitted to teach in any public school in this State without a teacher's certificate issued by the Superintendent, or under his authority.

Regulation 3—No teacher shall teach a school in this State until he or she has subscribed to the following oath:

"I do solemnly swear (or affirm) that I will honestly and faithfully support the Constitution and laws of the United States, and of the State of Texas; that I will endeavor to inculcate in the minds of youth, sentiments of patriotism and loyalty, and will fully, faithfully and impartially perform the duties of a teacher to the best of my ability, so help me God.

Regulation 4—Teachers employed for the scholastic year shall hold their office for the full term, unless sooner discharged by the Superintendent, but shall only receive pay for the time employed.

Regulation 5—Teachers will open their schools punctually at the appointed time, and devote themselves during school hours exclusively to the instruction of their pupils.

Regulation 6—It shall be their duty to maintain good discipline in the schools, by kind treatment, if possible; they will also, on all proper occasions, impress upon the minds of their pupils principles of morality and virtue, a sacred regard for truth, love to their God, and good will towards their fellow beings.

Regulation 7—Teachers will not be permitted to exercise any sectarian influence in their schools.

Regulation 8—In maintaining discipline in their schools, teachers are authorized to use any proper and judicious means to accomplish that end, and herein they will receive the full support of the Board of Education.

Regulation 9—Teachers will be held strictly accountable for any harsh or cruel punishment they may inflict on their pupils, and such punishment is forbidden.

Regulation 10—Those teachers who are most successful in preserving order and discipline among their pupils, through kindness and good counsel, shall receive preference over all others in promotion.

Regulation 11—Teachers may suspend pupils, but will, immediately after such suspension, report the facts in the case to the supervisor.

Regulation 12—Teachers shall keep a daily record of all children admitted, present or absent, and forward a consolidated report made up from this record, showing the number of days any pupil was absent, duly certified, to the directors of their school districts and the supervisors, at the end of each quarter.

Regulation 13—Teachers are required to make quarterly reports upon such blanks and forms as shall be furnished by the Superintendent, and such other reports as herein provided for.

Regulation 14—A teacher who is unable to attend to his or her duties on account of sickness, must cause immediate notice of the fact to be given to the school directors.

Regulation 15—Any teacher desiring to absent himself or herself from his or her school must make application to the Superintendent, through the president of the school directors of his or her school district, and the supervisor of the judicial district, stating in said application the length of time he or she wishes to be absent, and whether he or she intends leaving the State during such time.

Regulation 16—Any teacher being absent from his or her post for five consecutive days without permission or good cause, of which the supervisor of his or her district shall be the judge, shall be dropped from the pay rolls, and forfeit all pay due him or her.

Regulation 17—No teacher shall resign without giving one month's written notice to the supervisor of his or her judicial district, in default of which, all compensation due him or her for one-half month shall be forfeited.

Regulation 18—Teachers may establish night schools, and use the school houses of their respective school districts for that purpose, but no person of scholastic age visiting such schools shall be excused for such reason from regular school attendance, as provided by section six of "An act to organize and maintain a system of

Public Free Schools in the State of Texas," approved April 24, 1871.

Regulation 19—Teachers will be paid on vouchers to be furnished from the office of the Superintendent.

Regulation 20—All teachers shall have the right to appeal from their superior officers to the Superintendent.

Title VI—Pupils.

Rule 1—Any child before making application for admission into a public school other than the one in his or her own school district, must apply to the board of school directors, in whose district he or she resides, for a certificate, setting forth that the holder of such certificate is of scholastic age, and giving permission to such child to make application for admission into another school district or county; such certificate will be submitted to the supervisor for his approval and decision.

Rule 2—No pupil shall be permitted to leave school before the usual time, except when sick, or on account of some pressing emergency, of which the teacher shall be the judge.

Rule 3—The sickness of a pupil, or family sickness, shall be the only valid excuse for non-attendance at school, of the urgency of which excuse the teacher shall be judge.

Rule 4—It shall not be a good excuse for a pupil to be absent at a regular school session for the purpose of taking music, singing or dancing lessons.

Rule 5—Pupils must always be obedient to their teachers, and polite in their intercourse with each other and toward their elders. They must be diligent in study, and be quiet in their deportment during recesses, also in going to and from school.

Rule 6—Cleanliness in person and clothing is required of every pupil, and whenever a pupil neglects to comply with this rule, the teacher shall have power to suspend such pupil for not more than a week.

Read, considered and adopted by the Board of Education of the State of Texas. May 17. 1871.

EDMUND J. DAVIS,
Governor.

WILLIAM ALEXANDER,
Attorney General.

J. C. DE GRESS,
Supt. Public Instruction.

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FIRST ANNUAL REPORT

OF THE

SUPERINTENDENT

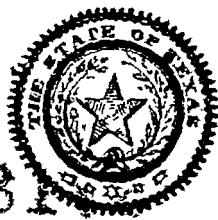
OF

PUBLIC INSTRUCTION

OF THE

STATE OF TEXAS,

1871.



AUSTIN:
J. G. TRACY, STATE PRINTER.
1872.

EXHIBIT C.

CONSOLIDATED SCHOLASTIC CENSUS RETURNS, OF THE STATE OF TEXAS, TO SEPTEMBER 1, 1871.

County.	White.		Colored.		Total.	Number for Appor- tionment.	Remarks.
	Male.	Female.	Male.	Female.			
Anderson . . .	874	789	848	714	3,225	2,757	Census return from this county not received in time for the apportionment of school fund, hence said apportionment was made on Treasurer's report.
Angelina . . .	484	463	94	81	1,122	1,123	One child reported as male and female.
Archer . . . . .	.....	.....	.....	.....	.....	.....	No report attainable from any source and no return made.
Atascosa . . . . .	.....	.....	.....	.....	.....	651	Census return not received from this county; no return from proper officers; apportionment made on Treasurer's report.
Austin	1,357	1,216	987	910	4,470	3,936	Census returns not received in time; apportionment made on Treasurer's report.
Bandera	115	98	2	1	216	216	
Bastrop	1,037	898	633	600	3,168	3,168	

Baylor							No report attainable from any source and no return made.
Bee	149	180	12	14	355	355	
Bell	1,290	1,205	107	137	2,739	2,739	
Bexar	1,992	1,762	247	217	4,218	4,218	
Blanco	244	191	7	4	446	446	
Bosque	606	570	61	62	1,299	1,301	Two children reported without specification of sex or color.
Bowie	374	312	338	294	1,318	1,320	Two children reported without specification of sex or color.
Brazoria	283	228	664	653	1,828	1,828	
Brazos	705	738	598	662	2,703	2,693	Error in footing of returns discovered after apportionment.
Brown						189	No return by county officers; apportionment made from Treasurer's report.
Burleson	651	619	139	146	1,555	1,555	
Burnet	700	509	58	51	1,318	1,318	
Caldwell	589	564	534	356	2,043	1,865	Two reported, in return, without specification of color.
Calhoun	239	256	147	163	805	605	The return from this county was not received in time for the apportionment, hence said apportionment was made on Treasurer's report.
Callahan							No report attainable from any source and no return made.

EXHIBIT C—Continued.

County.	White.		Colored.		Total.	Number for Appor- tionment.	Remarks.
	Male.	Female.	Male.	Female.			
Cameron.....	.....	.....	.....	.....	.....	2,787	No return made by proper county officers; apportionment made on U. S. Census return.
Chambers....	.....	.....	.....	.....	.....	477	No return made by proper county officers; apportionment made on U. S. Census report.
Cherokee....	.....	.....	.....	.....	.....	2,924	No return made by proper county officers; apportionment made on U. S. Census report.
Cass.....	804	714	451	351	2,320	2,663	The return from this county was not received in time for the apportionment, hence said apportionment was made on Treasurer's report.
Clay.....	.....	.....	.....	.....	.....	.....	No report attainable from any source and no report made.
Collins.....	1,629	1,612	155	162	3,558	3,612	Fifty-four (54) reported, in return, without specification of age, color or sex.
Colorado....	830	840	549	527	2,746	2,746	

Coleman.....						81	No return made by proper county officers; apportionment made on U. S. Census report.
Comal.....	865	774*	63	44	1,746	1,746	
Comanche...	163	152	10	11	336	438	Precinct No. 5 of this county reported 102 children, but without specification of age, color or sex.
Concho.....							No report attainable from any source and no return made.
Cooke.....	858	718	55	53	1,684	1,684	
Coryell .. .	767	723	21	27	1,538	1,538	
Dallas.....	1,805	1,539	210	227	3,781	3,781	
Davis.....							No report attainable from any source and no return made.
Delta.....	339	325	47	39	750		
Denton .. .						2,059	
DeWitt.....	754	635	275	273	1,937	1,937	
Dimmitt.....							County unorganized. Return included in Precinct No. 5 of Maverick county.
Duval.....						243	No return made by proper county officers; apportionment made on U. S. Census report.
Eastland....	14	14			28	28*	
Edwards .. .							No report attainable from any source and no return made.
Ellis	870	745	123	120	1,858	1,858	

EXHIBIT C--Continued.

County.	White.		Colored.		Total.	Number for Appor- tionment	Remarks.
	Male.	Female.	Male.	Female.			
El Paso	391	321	2	1	715	715	No return made by proper county officers; apportionment made on U. S. Census return and Treasurer's report.
Encinal	19	12			31	31	
Erath . . . .	.....	.....	.....	.....	.....	515	
Falls	687	655	595	536	2,473	2,473	1122 reported without specification of color; 1167 without specification of sex; full return 3982. Not received in time, and apportionment made on Treasurer's report.
Fannin	668	580	232	213	1,693	4,362	
Fayette	591	517	310	240	1,650	5,604	1556 reported without specification of color; 734 without specification of color or sex; full return 3948. Not received in time, and apportionment made on Treasurer's report.
Fort Bend . .	168	139	519	475	1,301	1,301	

Freestone . . .	717	722	362	533	2,334	2,534	Error in footings of return.
Erio . . . . .	.....	.....	.....	.....	.....	.....	No report attainable from any source and no return made.
Gaiveston . . .	1,251	1,227	290	341	3,109	3,109	Return from this county not received in time for apportionment, hence said apportionment was made on Treasurer's report.
Gillespie . . .	563	613	8	10	1,194	1,076	
Goliad	454	456	123	136	1,170	1,170	Error in footings of return of one. No return made by proper county officers; apportionment made on U. S. Census report and Treas- urer's return.
Gonzales	882	832	560	495	2,769	2,769	
Grayson	2,088	1,968	314	289	4,659	4,658	
Grimes . . . . .	.....	.....	.....	.....	.....	4,073	
Guadalupe . .	809	790	248	181	2,028	2,028	Return not received in time; appor- tionment made on U. S. Census return and Treasurer's report.
Hamilton . . .	113	125	1	1	240	258	
Hardeman . .	.....	.....	.....	.....	.....	.....	No report attainable from any source and no return made.
Hardin	172	168	32	24	396	370	Return not received in time; appor- tionment made on U. S. Census return and Treasurer's report.
Harrison . . . .	.....	.....	.....	.....	.....	4,218	Return not received in time; appor- tionment made on U. S. Census return and Treasurer's report.

EXHIBIT C—Continued.

County.	White.		Colored.		Total.	Number for Appor- tionment.	Remarks.
	Male.	Female.	Male.	Female.			
Harris	1,429	1,444	734	760	4,367	4,367	No report attainable from any source and no return made.
*Haskell . . . . .	.....	.....	.....	.....	.....	.....	
Hays	553	510	220	203	1,486	1,486	Report from county officers. No report from county officers; ap- portionment made on Treasurer's report.
Henderson ..	715	683	193	184	1,775	1,775	
Hidalgo	350	306	3	2	661	661	
Hill	1,296	1,105	170	136	2,707	2,707	
Hood	504	460	15	14	993	993	
Hopkins	1,640	1,598	153	169	3,560	3,560	
Houston						2,680	Error of one child in addition.
Hunt	1,561	1,371	119	129	3,180	3,180	
Jack	99	76	5	9	189	189	No report attainable from any source. No return made.
Jackson	138	114	164	172	588	589	
Jasper	461	417	347	336	1,561	1,561	
Jefferson	210	176	73	74	533	533	
Johnson	1,083	933	60	63	2,139	2,139	
Jones							

Karnes	338	245	46	39	668	558	Return made too late for apportionment, so made from Treasurer's report.
Kaufman ...	1,018	842	96	88	2,044	2,044	
Kendall	242	214	5	5	466	466	
Kerr	131	89	12	3	235	235	
Kimble .....	.....	.....	.....	.....	.....	.....	No report attainable from any source and no return made.
Kinney	33	47	1	2	83	83	
Knox .....	.....	.....	.....	.....	.....	.....	No report from any source.
Lamar	1,818	1,654	573	554	4,599	4,217	Return made too late for apportionment, so made from Treasurer's report.
Lampasas ...	216	181	16	12	425	425	
La Salle ...	16	15			31	31	
Lavaca	856	796	263	268	2,183	2,183	
Leon	784	654	440	367	2,245	2,248	Three children reported without specification of color or sex.
Liberty	419	404	310	289	1,422	1,422	
*Limestone .....	.....	.....	.....	.....	.....	2,719	No report received from proper county officers; figures taken from Treasurer's report.
Live Oak ...	122	79	15	13	229	229	
Llano	232	183			415	416	One child reported both male and female.
McCulloch ..	27	23		2	52	52	Doubt as to whether this is return of whole county or one precinct.

EXHIBIT C—Continued.

County.	White.		Colored.		Total.	Number for Appor- tionment.	Remarks.
	Male.	Female.	Male.	Female.			
McLennan ..	1,156	1,151	608	615	3,530	3,530	No report from county officers; fig- ures taken from Treasurer's re- port.
McMullen ..	.....	.....	.....	.....	.....	71	
Madison	347	357	162	165	1,031	1,031	No report from county officers; fig- ures taken from Treasurer's re- port.
Marion	551	524	540	534	2,149	2,149	
Mason .....	.....	.....	.....	.....	.....	226	
Matagorda ..	179	154	267	190	790	790	Precinct No. 5 includes returns from Dimmit and Zavalla counties; report not received in time for apportionment.
Maverick ...	145	72	4	7	228	247	
Medina	338	301	14	9	662	662	Error in addition of return. Return from county not received in time; figures taken from Treas- urer's report.
Menard	52	34	2	1	89	89	
Milam	896	776	232	190	2,094	2,093	
Montague ..	143	128			271	285	

Montgomery.....					1,282	1,403	Return exhibits 652 males, 630 females, 642 whites and 640 colored; came too late for apportionment; figures taken from Treasurer's report.
Nacogdoches.....	849	799	394	345	2,387	2,387	
Navarro.....					2,732	2,732	Only specifications made in return are, whites 2006, colored 726.
Newton.....	287	263	138	108	796	756	Return not received in time; figures taken from Treasurer's report.
Nueces.....	854	498	19	37	1,408	1,165	Return not received in time; figures taken from Treasurer's report.
Orange.....	196	201	79	69	545	545	
Palo Pinto..	151	157	5	3	316	316	
Panola.....	853	835	444	366	2,498	2,503	Five children reported without specification of color or sex.
Pecos.....						27	No reports from county officers; figures taken from Treasurer's report.
Parker.....	809	763	50	44	1,666	1,666	
Polk....	231	224	152	149	756	2,848	Returns only embraced 1st, 3d and 5th precincts; came too late for apportionment; figures taken from Treasurer's report.
Presidio.....	42	45			87	60	Return not received in time; figures taken from Treasurer's report.
Rains.....	312	367	18	20	717	617	Error in addition of 100 children.

EXHIBIT C—Continued.

County.	White.		Colored.		Total.	Number for Appor- tionment.	Remarks.
	Male.	Female.	Male.	Female.			
Red River...	986	895	618	592	3,091	3,091	Report not received in time; figures taken from Treasurer's report.
Refugio	301	291	41	40	673	720	
Robertson...	799	776	743	557	2,875	2,875	No report from any source. Apportionment made on Treasurer's report; county returns not re- ceived in time.
Runnels . . . .	.....	.....	.....	.....	.....	.....	
Rusk	1,189	1,258	942	913	4,302	4,351	
Sabine	359	359	181	153	1,032	1,052	No returns from county officers; fig- ures taken from Treasurer's re- port.
S. Augustine. .	.....	.....	.....	.....	.....	1,264	
San Jacinto .							No report from any source.
San Patricio.	77	55	14	4	150	150	But one precinct reported.
San Saba . . .	191	172	10	10	383	383	
Shackelford .	16	15			31	21	
Shelby	714	603	266	199	1,782	1,782	
Smith	1,136	1,072	825	725	3,758	3,758	But one precinct reported.
Starr	670	567			1,237	1,237	
Stephens . . .	37	29	2	1	69	69	

Tarrant	1,134	1,061	132	143	2,470	2,397	Apportionment made on Treasurer's report; returns from county not received in time.
Taylor . . . . .	.....	.....	.....	.....	.....	.....	No report from any source.
Throckmorton . . . . .	.....	.....	.....	.....	.....	.....	No report from any source.
Titus	1,522	1,308	348	356	3,534	3,534	
Travis	985	955	383	346	2,669	2,669	The U. S. Census shows total of 3872; a difference of 1203.
Trinity	264	191	76	71	602	1,469	The county returns embrace only two precincts; figures taken from Treasurer's report.
Tyler	475	416	149	115	1,155	1,155	
Upshur	1,097	1,038	578	510	3,223	3,223	
Uvalde	105	73	9	17	204	204	Return is of Uvalde county proper.
Van Zandt . . . . .	.....	.....	.....	.....	.....	2,232	Taken from Census returns U. S., and Treasurer's report; no returns from county officers.
Victoria	427	429	270	247	1,373	1,373	
Walker	509	501	732	746	2,488	2,488	
Washington	924	779	874	848	3,425	3,425	
Webb	335	297	.....	.....	632	632	Returns give but three precincts.
Wharton . . . . .	.....	.....	.....	.....	.....	903	Taken from U. S. Census returns and Treasurer's report; no return from county officers.
Wichita . . . . .	.....	.....	.....	.....	.....	.....	No report from any source.
Wilbarger . . . . .	.....	.....	.....	.....	.....	.....	No report from any source.
Williamson	839	803	91	92	1,825	1,825	

EXHIBIT C—Concluded.

County.	White.		Colored.		Total.	Number for Appor- tionment.	Remarks.
	Male.	Female.	Male.	Female.			
Wilson	307	214	38	27	586	854	Apportionment made on Treasurer's report; returns from county not received in time.
Wise	149	115	5	8	277	500	Return incomplete; apportionment made on Treasurer's report.
Wood	573	582	116	122	1,393	1,393	Taken from U. S. Census returns; no report made by county officers.
Young .....	.....	.....	.....	.....	.....	39	
Zapata .....	.....	.....	.....	.....	.....	442	
Zavalla .....	.....	.....	.....	.....	.....	.....	County unorganized; returns included in Maverick county.
Total..	71,762	65,536	25,636	23,961	191,009	227,615	4,014 children on county returns not classified.

NOTE.—The apportionment was made upon the aggregate, as shown above, of 227,615 children, of scholastic age. The U. S. Census returns exhibit a difference in Travis county of 1203 children, for which an additional apportionment has been made. Delta county has been reported as having 750 children, and apportionment made on that number. Total of children of scholastic age, upon which apportionment has been made, 229,568.

EXHIBIT D.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
 STATE OF TEXAS, }
 AUSTIN, August 21, 1871. }

Circular :]

I. In counties where boards of school directors have not been appointed from the different precincts, supervisors will dissolve such boards and appoint boards consisting of one person from each precinct. The persons appointed will qualify, and the board of each county organize by electing a president, secretary and treasurer, in accordance with the rules and regulations adopted by the Board of Education. Supervisors will report to this office all the members of the present board who may be relieved by these instructions at the same time the names of others are forwarded for approval. This change is made, not that the present boards have failed to perform their duties in a satisfactory manner, but that different localities may be properly represented on the boards. Persons appointed school directors should be good, responsible men, for upon them will devolve the selection of sites for school houses and the erection of buildings.

II. Should any boards of directors fail, or refuse to levy the tax, as prescribed by Rule 26, Title IV, Rules for the Government of Public Schools, and Rule 17, Title III, Boards of Directors, the fact will be reported to this office.

III. Until school houses can be built, boards of directors are authorized to lease the necessary buildings for school purposes; each lease to be made to me, as party of the second part, in my name, at the least possible amount for the scholastic year ending June 30, 1872, and forwarded through the supervisor of the judicial district where made, with his recommendation, for my approval and signature. The leases will be in duplicate, properly stamped, and acknowledged in accordance with the laws of the State. It is desirable to obtain as many houses as possible for a merely *nominal* rent thus saving the school fund for the payment of teachers and the building of houses in districts where the fund is not expended. When rent is paid it will be at a certain sum per month, payable December 31, 1871, March 31, 1872, and June 30, 1872. The rent of buildings for school purposes, and the small amount necessary to defray the incidental expenses of schools in the purchase of fuel, etc., will be paid out of the tax levied by the school directors, and in accordance with Rule 21, Title III, Boards of Directors.

IV. No payments of officers, teachers or other employes of the

Educational Department will be made oftener than monthly, and in all cases to the *end* of a month. In order that an account may be collected at the State Treasury, it is necessary that the creditor appear in person, or authorize some one at the capital to act as agent by power of attorney duly acknowledged by a notary public or clerk of a district court, to which power a fifty cent internal revenue stamp must be affixed. One power of attorney can be made to suffice for any number of payments.

V. The scholastic year will be divided into three terms, as follows :

1. The first term to commence on the fourth day of September, 1871, and close on the first day of December, 1871.

2. The second term to commence on eleventh day of December 1871, and to close on the nineteenth day of March, 1872, with a vacation from December 23, 1871, to January 2, 1872, both days inclusive.

3. The third term to commence on the first day of April, 1872, and to close on the twenty-eighth day of June, 1872.

VI. Persons above the scholastic age desiring to attend the public schools will be permitted to do so without charge.

VII. The school books adopted by the Board of Education for use in the public schools, will be furnished pupils at reduced rates, and can be obtained, either by the supervisors, teachers or merchants, from depositaries which will be established in accessible portions of the State.

VIII. Teachers will be assigned to schools by supervisors, and will receive pay in accordance with their assignments ; as follows, viz :

1. A school of not less than thirty-five pupils, two-thirds of whom are pursuing the branches of the first class, will be entitled to one teacher, and to the pay of the first class.

2. A school of not less than thirty-five pupils, one third of whom are pursuing the branches of the first class will be entitled to one teacher, and to the pay of the second class.

3. A school of not less than thirty-five pupils, two-thirds of whom are pursuing the branches of the second class, will be entitled to one teacher, and to the pay of the second class.

4. A school of not less than thirty-five pupils who are pursuing the branches of the third class, will be entitled to one teacher, and to the pay of the third class.

5. A school of not less than eighty pupils, two-thirds of whom are pursuing the branches of the first class, will be entitled to two teachers; one to the pay of the first, and one to the pay of the second class.

6. A school of not less than eighty pupils, one-third of whom are pursuing the branches of the first class, will be entitled to two teachers, both to the pay of the second class.

7. A school of not less than eighty pupils, two-thirds of whom are pursuing the branches of the second class, will be entitled to two teachers, one to the pay of the second, and one to the pay of the third class.

8. A school of not less than eighty pupils, who are pursuing the branches of the third class, will be entitled to two teachers, both to the pay of third class.

9. A school of not less than one hundred and thirty pupils, two-thirds of whom are pursuing the branches of the first class, will be entitled to three teachers, one to the pay of the first, and two to the pay of the second class.

10. A school of not less than one hundred and thirty pupils, one-third of whom are pursuing the branches of the first class, will be entitled to three teachers, one to the pay of the first, one to the pay of the second, and one to the pay of the third class.

11. A school of not less than one hundred and thirty pupils, two-thirds of whom are pursuing the branches of the second class, will be entitled to three teachers, two to the pay of the second, and one to the pay of the third class.

12. A school of not less than one hundred and thirty pupils, who are pursuing the branches of the third class, will be entitled to three teachers, one to the pay of the second, and two to the pay of the third class.

13. A school of not less than one hundred and eighty-five pupils, two-thirds of whom are pursuing the branches of the first class, will be entitled to four teachers, two to the pay of the first, and two to the pay of the second class.

14. A school of not less than one hundred and eighty-five pupils, one-third of whom are pursuing the branches of the first class, will be entitled to four teachers, one to the pay of the first, two to the pay of the second, and one to the pay of the third class.

15. A school of not less than one hundred and eighty-five pupils, two-thirds of whom are pursuing the branches of the second class, will be entitled to four teachers, one to the pay of the first, one to the pay of the second, and two to the pay of the third class.

16. A school of not less than one hundred and eighty-five pupils, one-third of whom are pursuing the branches of the second class, will be entitled to four teachers, one to the pay of the second, and three to the pay of the third class.

17. A school of not less than one hundred and eighty-five pupils, who are pursuing the branches of the third class, will be entitled to

four teachers, one to the pay of the second, and three to the pay of the third class.

18. A school of not less than two hundred and fifty pupils, two-thirds of whom are pursuing the branches of the first class, will be entitled to five teachers, two to the pay of the first, two to the pay of the second, and one to the pay of the third class.

19. A school of not less than two hundred and fifty pupils, one-third of whom are pursuing the branches of the first class, will be entitled to five teachers, two to the pay of the first, one to the pay of the second, and two to the pay of the third class.

20. A school of not less than two hundred and fifty pupils, two-thirds of whom are pursuing the branches of the second class, will be entitled to five teachers, one to the pay of the first, two to the pay of the second, and two to the pay of the third class.

21. A school of not less than two hundred and fifty pupils, one-third of whom are pursuing the branches of the second class, will be entitled to five teachers, one to the pay of the first, one to the pay of the second, and three to the pay of the third class.

22. A school of not less than two hundred and fifty pupils, who are pursuing the branches of the third class, will be entitled to five teachers, one to the pay of the first, one to the pay of the second, and three to the pay of the third class.

23. On the frontier and in other sparsely settled neighborhoods, a few schools may be opened with twenty pupils as a minimum, the teachers of such schools to draw the pay of the third class.

24. Teachers holding first class certificates may be assigned to second or third class schools, and those holding second class certificates to third class schools, but in no case will a teacher be assigned to a school of higher grade than the certificate held.

25. As soon as the public free schools shall have gone into operation, Supervisors will forward to this office the number of such schools in each county of their respective districts, the number of teachers employed, stating to what class assigned, and the number of pupils attending each school.

J. C. DE GRESS,
Supt. of Public Instruction,
State of Texas.

EXHIBIT E.

LIST OF TEXT BOOKS, ETC., ADOPTED BY THE BOARD OF EDUCATION,
STATE OF TEXAS, FOR THE USE OF PUBLIC FREE SCHOOLS.

Readers and Spellers.

Watson's Independent First Reader.
Watson's Independent Second Reader.
Watson's Independent Third Reader.
Watson's Independent Fourth Reader.
Watson's Independent Fifth Reader.
Watson's Elementary Speller.

Geographies.

Monteith's First Lessons in Geography.
Monteith's Manual of Geography.
McNally's Complete Geography.
Cornell's Physical Geography.

Grammars.

Clark's First Lessons in Grammar.
Clark's Normal Grammar.

Mathematics.

Quackenbos' Primary Arithmetic.
Quackenbos' Mental Arithmetic.
Quackenbos' Practical Arithmetic.
Perkins' Elements of Algebra.
Perkins' Elements of Geometry.
Perkins' Plane Trigonometry.

Composition and Rhetoric.

Quackenbos' First Lessons in Composition.
Quackenbos' Rhetoric.

History.

Barnes' History of the United States.

Miscellaneous.

Steele's Fourteen Weeks Course in Philosophy.
 Steele's Fourteen Weeks Course in Chemistry.
 Steele's Fourteen Weeks Course in Astronomy.
 Steele's Fourteen Weeks Course in Geology.

Penmanship.

Payson, Dunton and Scribner's Copy Books.

Maps, Tablets, Etc.

Monteith's Wall Maps—eight numbers.
 Monteith's Outline Maps, seven numbers.
 National School Tablets.
 Harper & Bro.'s Slates.

EXHIBIT F.

PERMANENT SCHOOL FUND AS SHOWN BY COMPTROLLER'S REPORT TO
 THIS OFFICE, AUGUST 31, 1871.

Specie	\$1,199 17
United States Currency	919 58
Six per cent bonds of the United States	61,000 00
Five per cent bonds of the United States	49,000 00
Six per cent State bonds	320,367 13
Five per cent State bonds	82,168 82
Six per cent railroad bonds	1,753,317,00
	\$2,267,971 70

[NOTE.—In the above showing of six per cent railroad bonds, the amount of \$295,800 00 in bonds, of the Houston Tap and Brazoria Railroad Company, are included. That road has been sold, by the Governor, for \$130,000 00, which renders the \$295,800 00 in bonds virtually null. That amount, therefore, is to be taken from the total and \$130,000 00, the proceeds of the road, added.]

EXHIBIT G.

AVAILABLE SCHOOL FUND AS SHOWN BY COMPTROLLER'S REPORT TO
THIS OFFICE, AUGUST 31, 1871.

Balance on hand in specie.....	\$62,036 62
Balance on hand in currency.....	74,060 19
	\$136,096 81

EXHIBIT H.

AMOUNT OF PRINCIPAL AND INTEREST DUE FROM RAILROAD COM-
PANIES TO THE SCHOOL FUND OF THE STATE OF TEXAS, MAY 1,
1870.

Houston and Texas Central Railroad Company....	\$657,324 35
Washington County Railroad Company.....	103,840 01
Southern Pacific Railroad Company.....	222,125 00
Buffalo Bayou, Brazos and Colorado Railroad Com- pany.....	650,859 25
Texas and New Orleans Railroad Company.....	651,131 25
Total.....	\$2,285,279 86

[NOTE.—By the provisions of an act entitled, "An act for the relief of rail-
road companies, indebted to the State, for loans from the special school fund,"
the above principal and interest became a new principal May 1, 1871, upon
which yearly interest and sinking fund is paid into the treasury.

EXHIBIT I.

THE STATE OF TEXAS IN ACCOUNT WITH J. C. DE GRESS, SUPER-
INTENDENT PUBLIC INSTRUCTION.

	Dr.
Aug. 9, 1871—To salary from May 6 to August 5, 1871, inclusive.....	\$750 00
Do. To traveling expenses.....	120 50
Balance.....	429 50
	<u>\$1,300 00</u>

	Cr.
May 19, 1871—By appropriation, salary.....	\$1,000 00
Do. By appropriation, traveling expenses...	300 00
	<u>\$1,300 00</u>
Sept. 1, 1871—By balance.....	\$429 50

EXHIBIT J.

SALARIES OF TEACHERS AND EMPLOYES.

	Dr.
Aug. 31, 1871—To accounts of supervisors, approved for payment.....	\$3,740 00
Do. To accounts of examiners, approved for payment.....	3,154 82
Do. To accounts of employes, approved for payment.....	3,017 45
Balance	40,087 73
	<u>\$50,000 00</u>

	Cr.
May 19, 1871—By appropriation, salaries of teachers and employes.....	<u>\$50,000 00</u>
Sept. 1, 1871—By balance.....	\$40,087 73

EXHIBIT K.

BOOKS, BLANKS, STATIONERY, SCHOOL BOOKS AND APPARATUS FOR
PUBLIC SCHOOLS.

	Dr.
Aug. 31, 1871—To printing.....	\$2,707 50
Do. To stationery.....	1,704 32
Balance.....	5,588 18
	<u>\$10,000 00</u>

	Cr.
May 19, 1871—By appropriation, books, blanks, stationery, school books and apparatus for public schools.....	<u>\$10,000 00</u>
Sept. 1, 1871—By balance.....	\$5,588 18

EXHIBIT L.

RECAPITULATION OF ACCOUNTS APPROVED FOR PAYMENT BY J. C.
DE GRESS, SUPERINTENDENT OF PUBLIC INSTRUCTION, FROM
MAY 31, TO AUGUST 31, 1871, INCLUSIVE.

Salary of Superintendent.....	\$750 00
Traveling expenses of Superintendent.....	120 50
Salaries of employes.....	9,912 27
Printing.....	2,707 50
Stationery.....	1,704 32
Aggregate.	<u>\$15,194 59</u>

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TEXAS STATE LIBRARY

**CERTIFICATE OF AUTHORITY
TO MICROFILM**

Under the authority vested in me by Article 256 (as amended by Chapter 165, General and Special Laws, 48th Legislature, Regular Session, 1943), Articles 3722 and 3731 of the Revised Civil Statutes of Texas, 1925, and Article 403, Acts of the 50th Texas Legislature, Regular Session, 1947, I hereby certify that the photographic reproductions made by microphotography on film on this roll of microfilm are true and correct copies of the original records listed on the index filmed hereon.



Given under my hand and the Seal of the
Texas State Library, on this the 31
day of Oct, 19 49

Francis H. Henshaw
Francis H. Henshaw, State Librarian

Attest:

Malcolm F. Mattison Jack W. Smith
Camera Operator Microfilming Supervisor